

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

* * CONFIDENTIAL * *

* * ATTORNEYS EYES ONLY * *

VIDEOTAPED DEPOSITION OF DAVID DALEIDEN
TUESDAY, APRIL 16, 2019
9:37 A.M.

REPORTED BY: KATHERINE FERGUSON, CSR NO. 12332
JOB NO. 158911

1 A I remember that Albin had -- Albin had been
2 a pretty big supporter of Live Action, like a big
3 moral supporter of our work at Live Action for, you
4 know, over the prior three or four years that I, sort
5 of, knew of him being someone, from 2009. And so --
6 so you just -- I sort of -- I guess in 2013, I just
7 had always sort of thought of Albin as someone who
8 understood the undercover methodology, who really
9 appreciated good, well-done citizen journalism and
10 wanted to see it succeed and wanted to see it done,
11 you know, professionally and carefully and
12 meticulously. And Albin and I had a -- had a pretty
13 extensive conversation in January 2013 about -- just
14 about the whole concept of fetal body parts
15 trafficking, and I've been doing this kind of
16 undercover work with Live Action previously, but now
17 I want to do something a little more in depth and
18 the little more long term and kind of scale it up a
19 lot. And Albin seemed like he really understood
20 that, and sort of, you know, again, appreciated the
21 methodology, so that's why Albin was someone that I
22 trusted to serve in that capacity as a board
23 director.

24 Q And what gave you the belief that
25 Mr. Newman was sufficiently trustworthy to be a board

1 Planned Parenthood was engaged in violent felonies;
2 is that accurate?

3 A Could you ask me the question again?

4 Q Prior to April of 2014, you believed that
5 Planned Parenthood, and or its affiliates or some of
6 them, were involved or engaged in violent felonies;
7 is that correct?

8 MR. JONNA: Objection, compound, vague and
9 ambiguous, overbroad.

10 THE WITNESS: That's correct.

11 BY MS. TROTTER:

12 Q What was the basis for that belief?

13 MR. JONNA: Objection, calls for a
14 narrative, overbroad, calls for a legal conclusion.

15 THE WITNESS: Oh, I'll try and give sort of
16 the shortest foundational answer that I can, and then
17 there's probably a lot more that we would have to
18 either add onto that or unpack. But prior to April
19 of 2014, I believe that Planned Parenthood, really
20 overall -- and by Planned Parenthood, I mean both
21 Planned Parenthood Federation of America and the
22 Planned Parenthood affiliates, I think the whole
23 brand is, sort of, responsible for the whole thing,
24 was involved in -- was involved in the participation
25 in child sex trafficking by covering it up and -- and

1 aiding and abetting it as well as -- as well as
2 failing to follow state mandatory reporting laws for
3 minors. I believe that Planned Parenthood was
4 involved in violent felonies including the
5 infanticide of born-alive infants, and meaning
6 infants born alive after an attempted induced
7 abortion procedure. I believed that Planned
8 Parenthood was involved in committing criminal
9 partial-birth abortions which have been a federal
10 felony since, at the latest, 2007. The law was
11 passed in 2003.

12 I also believe that Planned Parenthood was
13 involved in committing battery against their patients
14 by making changes to their abortion procedures that
15 were not justified by medical considerations or
16 medical needs.

17 And I believe you just asked me -- did you
18 ask me what were the crimes that I believed Planned
19 Parenthood was committing, or did you ask me why --
20 BY MS. TROTTER:

21 Q I asked you why --

22 A -- I believed Planned Parenthood --

23 Q -- or what the basis was for your belief.

24 A What the basis was. Okay so I gave you --
25 I just sort of gave you a foundation of the different

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1 topics. I guess that's not -- foundation is a little
2 different from basis. I could -- are you asking
3 for -- this is why we objected. Are you asking me to
4 give you a *prima facie* case, or --

5 Q No, I'm not. Let me break it down.

6 A Okay.

7 Q So you've listed out for us that -- things
8 that prior to April 2014, you believed, were illegal,
9 violent felony actions by Planned Parenthood and/or
10 its affiliates were involvement in child -- in
11 violating laws as it related to child sex
12 trafficking, infanticide of born-alive infants,
13 illegal partial-birth abortions, and battery -- and
14 batteries against patients by making changes to
15 abortion procedures. Is that accurate?

16 MR. JONNA: Objection, misstates the
17 testimony, move to strike counsel's remarks.

18 THE WITNESS: That is -- that's a more --
19 more or less a complete recitation of what I just
20 said on the record. In addition, I would add -- I
21 would add that on some level, I consider now and also
22 believed then that the sale of aborted fetal body
23 parts for profit, that that itself is a kind of
24 violent felony. The exact -- you know, there may be
25 sort of a legal question there and I'm not a lawyer

1 as to how it all fits together, but I think when you
2 consider the human trafficking element of it, the
3 transaction over human body parts and sometimes over
4 an entire fetus, which is against the law -- against
5 the federal law, and also something that a patient
6 cannot properly consent to, to have that kind of
7 crime committed, I think there's an element of
8 violence in the crime of trafficking baby body parts
9 and trafficking, in whole, aborted fetuses as well,
10 that I would ascribe to Planned Parenthood, although
11 I'm not -- I don't know that I'm capable of making a
12 hard-and-fast legal classification of it here for how
13 that -- how that -- what constitutes a violent felony
14 and for what purpose, under what statutory framework.

15 BY MS. TROTTER:

16 Q Now I want to delve in a little more to the
17 various items you've listed. Your belief that
18 Planned Parenthood and/or its affiliates were
19 involved in the infanticide of born-alive infants.
20 What was the basis of that belief that you had prior
21 to April of 2014?

22 MR. JONNA: Objection, calls for a
23 narrative. Overbroad.

24 THE WITNESS: Sure. So I can -- so, you
25 know, I'll start with -- how about I start with

1 giving you one basis and we can, sort of, go from
2 there, if we need to -- you know, as many more as we,
3 kind of, want to put on the record, because it would
4 be a little difficult for me to try and encapsulate
5 everything all in one answer here, where I don't have
6 access to my notes, I don't have, you know, access
7 to -- I'm just here, you know, off the top of my
8 head.

9 Back in -- back in June of 2013, I had a
10 conversation undercover with Ms. Perrin Larton, who
11 is the procurement manager of Advanced Bioscience
12 Resources. Advanced Bioscience Resources is, sort
13 of, the original middleman wholesaler of aborted baby
14 body parts. StemExpress arose out of ABR. ABR sort
15 of provided a model for NovaGenix to follow. So
16 they've been -- they're sort of -- they're the source
17 in a lot of ways for a lot of this stuff. And I met
18 Perrin Larton, the procurement manager for ABR in
19 June 2013 at a stem cell conference, and I had a
20 conversation with her, which is recorded on video
21 that CMP has, you know, released previously, about --
22 just about the general practices of her and her
23 organization in their body parts harvesting business.
24 And Perrin told me that sometimes when they're
25 waiting for a harvesting case, for a late-term

1 harvesting case for 21, 22, 23, or 24 weeks or above
2 gestation, that she said sometimes the patient will
3 be out of the operating room after three minutes and
4 she's wondering what just happened, this an abortion,
5 we were waiting for it to harvest body parts from,
6 and she said that the answer she sometimes gets is
7 the fetus was already in the process of being
8 expelled from the patient at the time that they
9 started the procedure, so the whole fetus just fell
10 out whole as they were waiting to do the -- to do the
11 fetal body parts procurement. And in a case where --
12 where body parts are to be harvested for
13 experimentation, no feticide can be used before the
14 abortion procedure, so there's no digoxin, no
15 potassium chloride that's being used to kill the
16 fetus ahead of time, and that's something Perrin
17 confirmed during that conversation to me, was very,
18 you know, was something that ABR was very scrupulous
19 about, that there would be no digoxin applied to
20 their specimens ahead of the abortion. And so, to
21 me, that sounded like a born-alive infant, a fetus
22 that had not been killed before the abortion
23 procedure, a fetus that was a healthy fetus that the
24 procurement company was waiting there in the clinic
25 to harvest body parts from, and a fetus that just

1 fell out, all in one piece. To me that sounds like a
2 situation where you have a born-alive infant. And
3 Perrin Larton, the procurement manager of ABR, was
4 talking about harvesting body parts from that infant
5 that would be born alive. And Perrin confirmed to me
6 during that same conversation that ABR had been
7 working with an abortion clinic in San Diego as one
8 of their suppliers, and then in another conversation
9 that Susan had with -- had in September of 2013 at
10 the Association of Reproductive Health Professionals
11 conference in Denver, Colorado in September 2013, at
12 my direction, undercover, video recording, Susan
13 spoke with Dr. Katharine Sheehan, who at that point
14 had been a long-time medical director and the head of
15 the abortion services at your client's plaintiff's
16 Planned Parenthood of the Pacific Southwest. And
17 Katharine Sheehan told our undercover investigators
18 that they had been working with Advanced Bioscience
19 Resources for over 10 years, and had just
20 renegotiated their contract with them in order to do
21 very high-level government collection work for -- at
22 Planned Parenthood for ABR. And so putting those two
23 things together, it sounded to me like it was very
24 likely that in ABR's baby body parts harvesting
25 business, fetuses were being delivered alive and

1 killed through the dissection and harvested for body
2 parts and sold, and Planned Parenthood of the Pacific
3 Southwest is one of the locations where that could be
4 going on.

5 BY MS. TROTTER:

6 Q Going back for a moment to Ms. Larkin?

7 A Larton.

8 Q To Ms. Larton and that discussion that you
9 had with her, was that all on video?

10 A That is all on video.

11 Q Was there any portion of the discussion
12 that you had with Ms. Larton that was not captured on
13 video?

14 A No, there was not. Although, as sort of,
15 you know, an added detail, I was -- I was attending
16 that conference undercover with my friend Giorgio
17 Navarini, and as I was getting ready to go and meet
18 Ms. Larton, I was standing in the poster -- in the
19 poster hall of the exhibit, and before I went to go
20 and meet her -- and I don't know if this discussion
21 with Giorgio shows up on the camera or not. I can't
22 remember if we talked about it right before I went
23 into the restroom and turned the camera on or right
24 after. But Giorgio had been scoping the area in the
25 exhibit hall previously and he said to me, oh, my

1 gosh, you know what? I just heard that lady at ABR
2 say, she was talking to researchers who just went up
3 to her, and she said that -- she said that the --
4 that the fetal heart is still -- that the fetus's
5 heart is still beating after the abortion sometimes
6 as long as five minutes after. And they were asking
7 for hearts.

8 So that was something that Giorgio had said
9 to me about what he overheard Perrin saying, just
10 right before I went to have that conversation with
11 her. But as far as my conversation with Perrin
12 directly, my entire conversation with her was
13 captured on video that day. And it's been released
14 in its entirety by Center for Medical Progress.

15 Q That was going to be my next question. The
16 conversation with Dr. Sheehan in September of 2013,
17 was that entire conversation videotaped?

18 A To my knowledge, yes, that entire
19 conversation was videotaped.

20 Q And the entire videotape released?

21 A That's correct.

22 Q There was no part of the discussion with
23 Dr. Sheehan that wasn't captured on videotape?

24 A As far as that discussion, all of it was
25 captured because you see Susan and Brianna walking up

1 to meet her on the videotape, you see them having
2 conversation with no cuts and then you see them
3 saying goodbye and then walking away. So as far as
4 that conversation, that is, the entire thing was
5 captured on video.

6 Q Other than the June 2013 discussion with
7 Ms. Larton and the September 2013 discussion with
8 Dr. Sheehan, prior to April 2014, did you have any
9 other basis for believing that Planned Parenthood or
10 its affiliates were involved in infanticide of
11 born-alive infants?

12 MR. JONNA: Objection, overbroad, calls for
13 a narrative.

14 THE WITNESS: Yes, I did.

15 BY MS. TROTTER:

16 Q What other basis did you have?

17 A So another basis that I had was the sworn
18 congressional testimony of a whistleblower named Dean
19 Alberti, who had been discovered by my friend Mark
20 Crutcher at the Organization of Life Dynamics, which
21 really did the first -- the first major exposé of
22 fetal body parts trafficking for profit in our
23 country. And this was published, at this point,
24 about 20 years ago, in 1999, 2000, and 2001. And
25 this whistleblower, Dean Alberti had worked for one

1 of these middleman wholesaler companies, similar to
2 ABR or StemExpress. He had embedded inside the
3 Comprehensive Health Planned Parenthood Clinic in
4 Overland Park, Kansas back in the late 1990s, early
5 2000s. And he testified under oath to a
6 congressional committee in March of 2000 that he saw
7 the Planned Parenthood doctor bring out two -- two
8 born-alive twins about 24 weeks' gestation for him to
9 harvest body parts from, and he said that the doctor
10 drowned them in a pan in front of him. It was an
11 incident that was so horrific that it caused him to
12 report it to the FBI because he thought he had been a
13 witness to a murder committed by the Planned
14 Parenthood doctor there in the clinic there in
15 Overland Park, Kansas. Dean Alberti also described
16 under oath that -- he described many other instances
17 of seeing other fetuses of varying gestations, some
18 past the point of viability, some, we don't know, who
19 were born alive. He would sometimes cut the chest
20 cavity open and see that the heart was still beating,
21 things like that. And that is all stuff that that
22 whistleblower testified to under oath before a
23 congressional committee.

24 I first read that whole transcript probably
25 in -- that was in the summer of 2011, possibly the

1 summer of 2010. But summer of 2010 or summer of 2011
2 is when I first read that whole transcript,
3 start-to-finish, including Mr. Alberti's sworn
4 testimony.

5 Q Did anything else form the basis of your
6 belief that Planned Parenthood or its affiliates were
7 involved in the infanticide of born-alive infants,
8 other than what you've testified to?

9 MR. JONNA: Same objections.

10 THE WITNESS: Definitely. Another basis
11 for that belief was the -- was the Kermit Gosnell
12 case, which we've mentioned before that was
13 prosecuted in Philadelphia. In the Kermit Gosnell
14 case, the grand jury report came out, I think that
15 was in January of 2011, was when that was first
16 publicized. And Dr. Gosnell had had an illegal
17 third-trimester abortion practice that he was
18 operating in Philadelphia. His clinic had not been
19 inspected for almost -- I think it was over 17 years
20 because abortion clinics were considered to be a,
21 sort of, special class immune from criticism and
22 immune from oversight, very similar to what the
23 National Abortion Federation has argued in a related
24 case to this lawsuit. So Kermit Gosnell was able to
25 run this filthy practice for 17 years, doing illegal

1 abortions far past the state abortion limit, no
2 digoxin, no feticide. The fetuses were delivered
3 alive, late term, and he would snip their necks with
4 spinal cords -- snip their spinal cords with surgical
5 scissors in order to kill them. The local Planned
6 Parenthood branches, it was reported in the grand
7 jury report, knew about Dr. Gosnell's clinic, knew
8 that it was dangerous, knew there were problems
9 there, and yet continued to refer patients to it.
10 And the Kermit Gosnell case, to me, stands for the
11 proposition that if you're doing late-term abortions
12 and you're not using feticide, if you know, you're
13 not using digoxin ahead of time to kill the fetus,
14 then there's a substantial likelihood that you're
15 going to be delivering those children alive. And yet
16 we don't -- you know, we don't hear about a lot of
17 cases of children born alive in abortion clinics
18 being transported to the hospital immediately to take
19 care of them. Instead it seems like those cases are
20 just covered up. So that's another basis that -- the
21 incidents around the Kermit Gosnell case.

22 BY MS. TROTTER:

23 Q The San Diego clinic that you discussed
24 with Ms. Larton was not a Planned Parenthood clinic;
25 is that correct?

1 A No, that's not true. It's the -- that
2 would be the Michelle Wagner Center on First Avenue
3 in San Diego that does -- it's the Planned Parenthood
4 of the Pacific Southwest, the surgical abortion
5 facility that does procedures up to 24 weeks.

6 Q And that was the specific clinic that
7 Ms. Larton was referring to during your taped
8 discussion of her?

9 A I believe it was, yes.

10 Q The Kermit Gosnell clinic that you just
11 referred to was not a Planned Parenthood clinic; is
12 that correct?

13 A I don't know every aspect of Dr. Gosnell's
14 professional history, but my understanding is that
15 the grand jury testimony was that the local Planned
16 Parenthood affiliate in Philadelphia was referring
17 patients to Dr. Gosnell.

18 Q That's not my question. Do you have any
19 knowledge that Dr. Gosnell's clinic was a Planned
20 Parenthood clinic?

21 A My answer is that my knowledge is that
22 Planned Parenthood was referring patients to Dr.
23 Kermit Gosnell.

24 Q So your answer is no, you don't have any
25 basis for understanding that Dr. Gosnell's clinic

1 where he was performing these procedures was a
2 Planned Parenthood clinic?

3 MR. JONNA: Objection, asked and answered.

4 MS. SHORT: Objection, asked and answered.

5 MR. MIHET: Misstates the testimony.

6 THE WITNESS: I think the fact that Planned
7 Parenthood was referring patients to Kermit Gosnell
8 is a basis to believe that there was a relationship
9 between Dr. Gosnell and the local Planned Parenthood.

10 BY MS. TROTTER:

11 Q You understand, Mr. Daleiden, that there
12 are certain clinics that are affiliated with Planned
13 Parenthood that are called Planned Parenthood
14 affiliated clinics, correct?

15 A I do.

16 Q Okay. You understand that the clinic of
17 Dr. Gosnell was not a Planned Parenthood affiliated
18 clinic, correct?

19 MR. JONNA: Objection, asked and answered,
20 calls for speculation.

21 MS. SHORT: Objection. Calls for
22 speculation.

23 MR. MIHET: Join.

24 MR. MONAGHAN: Join.

25 THE WITNESS: Dr. Gosnell's clinic, from

1 what I'm aware, did not -- has not represented itself
2 as part of Planned Parenthood affiliate.

3 BY MS. TROTTER:

4 Q What was the basis for your belief prior to
5 April of 2014 that Planned Parenthood or its
6 affiliates were involved in illegal partial-birth
7 abortions?

8 MR. JONNA: Objection, overbroad, calls for
9 a narrative.

10 THE WITNESS: Most of -- most of the --
11 most of -- well, let me say this first. The bases
12 that I just described for the belief that Planned
13 Parenthood was involved in the infanticide of
14 born-alive infants after failed abortions, most of
15 that -- most of that cross-applies to the
16 partial-birth abortion crime because necessarily a --
17 based on the way that partial-birth abortion works,
18 based that the federal prohibition on partial-birth
19 abortion works, if you have a born-alive infant that
20 you're intending to kill after it's been born alive
21 in a late-term abortion procedure, that's a violation
22 of the partial-birth abortion law. The partial-birth
23 abortion -- the federal partial-birth abortion law
24 applies to a situation where you fully deliver the
25 baby and kill it right after, and it can be a

1 full-birth abortion law as well, or a full-birth
2 abortion procedure as it were.

3 BY MS. TROTTER:

4 Q So other than those things that you've
5 already testified to, are there any other bases for
6 that -- that weren't encapsulated in that?

7 MR. JONNA: Same objection.

8 THE WITNESS: Yeah, there are others. So
9 another one that I think probably applies to both is
10 in -- I think this was in 2012, when I first found --
11 this is when it was published, there was a scientific
12 paper that was a -- a research study -- actually a
13 series of papers that were published about a research
14 study that had been done at Stanford University. And
15 I think they started to publish the series in May of
16 2012, where there had been some kind of -- some kind
17 of fetal heart stem cell study that was being done.
18 And this study noted in its Materials and Methods
19 section, which is typically in any published
20 scientific study where they describe how it was done
21 and where they got their materials and what they did
22 with them, this study series was published in the
23 journal Circulation, which is the journal of the
24 American Heart Association. They said that they had
25 obtained intact fetal hearts from StemExpress, which

1 they identified as a commercial vendor of fetal body
2 parts in their Materials and Methods section, which
3 itself is shocking because nobody is supposed to be
4 commercially vending human body parts in the United
5 States of America. But this study in the Materials
6 section said that they had obtained multiple intact
7 fetal hearts from StemExpress and they had done
8 something on them called Langendorff perfusion, which
9 is a mechanism where you can -- where after you have
10 taken a beating, living heart out of another
11 organism -- typically it is done on animals because
12 it would be horrific to do it on a human being, but
13 typically done on animals, they cut a beating heart
14 out of the host organism, and then they can hook it
15 up to the Langendorff machine, which does perfusion
16 on it so it is -- it's flushing different nutrients,
17 different solutions through the organ, and that's a
18 way to keep the heart viable and beating when it's
19 extracorporeal, when it's outside the body. And all
20 of the -- all of the information that I could find on
21 the Langendorff perfusion technique in 2012 indicated
22 that you had to have a heart cut out of a living
23 organism in order to make it work.

24 So reading a study saying that they had
25 obtained intact fetal hearts from StemExpress and

1 done Langendorff perfusion on them indicated to me
2 that -- that fetuses had been born alive at the
3 clinics that StemExpress was harvesting from and that
4 the hearts had been cut out while those fetuses were
5 still alive and hooked up to the Langendorff
6 perfusion machine. And at the time, I was only aware
7 of StemExpress working with only one abortion
8 provider, which was Planned Parenthood Mar Monte, who
9 are plaintiffs in this lawsuit.

10 BY MS. TROTTER:

11 Q Did the Stanford -- I think you said a
12 Stanford study?

13 A Stanford University.

14 Q Did the article reporting on that study
15 mention Planned Parenthood anywhere in it?

16 A The article mentioned StemExpress.

17 Q But not Planned Parenthood, correct?

18 A The article did not mention Planned
19 Parenthood.

20 Q Did you talk to the authors of that article
21 at any point in time?

22 A No, I don't believe I did.

23 Q Do you know if at the time of that
24 article's publication -- let me withdraw that.

25 Do you know whether, at the time of the

1 study that was reported in that article was done,
2 whether StemExpress received fetal tissue from any
3 clinics other than Planned Parenthood clinics?

4 A To my knowledge, at the time -- to my
5 knowledge at that time, StemExpress's sole source of
6 fetal tissue was Planned Parenthood.

7 Q What's the basis of that knowledge?

8 A The basis of that knowledge is -- well,
9 number one, my knowledge at the time was that Planned
10 Parenthood was the only source, and that's based on
11 StemExpress's own statements, their advertisements
12 for procurement technicians and where they said they
13 would be working. It's based on -- it's also based
14 on, subsequent to that time, 2012, it's based on my
15 conversations with -- my conversations with my friend
16 Holly O'Donnell who used to work as a procurement
17 technician at StemExpress during the 2000- -- late
18 2012, early 2013 timeframe, and, according to her,
19 the only clinics they were harvesting from at the
20 time was Planned Parenthood in Northern California.
21 And I believe from what I have seen from -- and this
22 is speaking just today, contemporarily, from what
23 I've seen from the documents that have come out from
24 the congressional investigations and other places, it
25 looks to me like the -- like the abortion -- the

1 non-Planned Parenthood abortion clinics that
2 StemExpress was working with, signed contracts with
3 StemExpress in 2013 and later, not in 2011 and 2012.
4 So that all leads me to believe that my original
5 belief was, in fact, correct, that the sole source of
6 fetal tissue that StemExpress had at the time,
7 especially for those intact fetal hearts was Planned
8 Parenthood.

9 Q What was the basis for your belief prior to
10 April 2014 that Planned Parenthood or its affiliates
11 were committing a battery against parents -- against
12 patients, I should say, by making changes to
13 procedures?

14 A Yeah. So some of that comes from the --
15 from the congressional investigation and the -- the
16 news reports and -- and published investigative
17 journalism that was done around that back in 1999,
18 2000, 2001, with Dean Alberti's testimony and the
19 congressional investigation surrounding that. The --
20 there had been a lot of both testimony and some -- I
21 think I remember some documents and also physical
22 evidence presented that the -- that the abortion
23 clinics involved at the time, including the Planned
24 Parenthood in Overland Park, Kansas had been
25 over-dilating their patients in order to harvest more

1 intact fetuses and more intact fetal organs and
2 tissues. So that's -- that's one basis for that.

3 Another basis is -- another basis would be
4 my -- my conversation with Perrin Larton, when she --
5 when she speculated briefly about ways that -- that
6 over-dilation or changes in the abortion procedure
7 could be done in order to make sure to get more
8 marketable fetal tissue. And another basis -- and
9 this is actually the basis for the other two topics
10 we've discussed, but we'll keep on -- we'll add more
11 as we go on -- is my -- my conversations and the
12 documents that Holly O'Donnell provided to me when I
13 first met her in October 2013. Holly describes
14 situations where she saw -- she saw fetuses with
15 hearts that were still beating after the abortion was
16 done, which would be an indication of a born-alive
17 infant. She described extremely late abortion
18 procedures, past the California state limit. She
19 described situations where -- she described one
20 situation where she saw StemExpress technicians
21 talking on their -- talking on their instant
22 messenger communication clients about a doctor at
23 Planned Parenthood in Fresno delivering a completely
24 intact fetus for harvesting, that they were shipping
25 straight back to the StemExpress lab in Placerville

1 because they were so excited about it. And Holly
2 also described situations where she believed that the
3 StemExpress supervisors were working with the Planned
4 Parenthood doctors to change the procedures in order
5 to -- in order to obtain better specimens. And some
6 of Holly's e-mails corroborated that -- those
7 experiences that she described to me. So that's
8 another basis for my beliefs about all those
9 different violent crimes that I believe Planned
10 Parenthood was involved in.

11 Q What was the basis for your belief, prior
12 to April 2014, that Planned Parenthood and/or its
13 affiliates was involved in the sale of fetal body
14 parts for profit?

15 MR. JONNA: Objection, overbroad, calls for
16 a narrative.

17 THE WITNESS: One big basis is the
18 congressional investigation and the surrounding news
19 reports and reporting on the expose and the whistle
20 blowing of Dean Alberti and Life Dynamics in 1999,
21 2000, 2001. The federal law only allows for payments
22 to be made to an abortion provider in a fetal
23 harvesting case or in a fetal tissue donating case if
24 there's actual -- actual costs associated with the
25 harvesting of the body parts or the harvesting of the

1 fetal tissue, the supply, the transportation of the
2 packaging, things like that. Both in the cases
3 exposed back in 1999, 2000, and 2001, and also in the
4 contemporary cases that I became aware of in 2010,
5 2011, 2012, 2013, with StemExpress and ABR, the same
6 kind of model where you have a middleman wholesaler
7 company for the body parts that embeds its own
8 workers inside of the Planned Parenthood facilities
9 in order to perform all of the work associated with
10 making any given fetal tissue, so-called "donation"
11 happening. And yet, at the same time, they're still
12 paying the Planned Parenthood facility in exchange
13 for the privilege of harvesting the body parts. That
14 seems like a cut-and-dried case to me of the law
15 being violated and body parts being sold -- sold for
16 profit in violation of the law. And -- and
17 StemExpress themselves, on their website in 2010 and
18 2011, and I think up through 2012, openly advertised
19 that they were proud to return a portion of their
20 fees that they got from their research clients for
21 providing them with fetal body parts. They said they
22 were proud to provide a portion of their fees back to
23 the clinics that work with them. They said that
24 Planned Parenthood were the clinics that were working
25 with them.

1 And that brings up a second level of
2 violation that I think is actually more to the point
3 of the whole statute and even the violence involved
4 in trafficking in body parts because returning a
5 portion of StemExpress researcher fees meaning
6 actually giving Planned Parenthood a cut of the --
7 you know, based on the volume of body parts that are
8 sold. So it's no longer even, you know, any kind of
9 question of pretending to be reimbursement, it's --
10 the sole unit of value in the transaction is the
11 volume of body parts being traded. And I can't
12 imagine -- well, I can't imagine -- that is one of
13 the greatest violences against human dignity and
14 against a human person that I can imagine.

15 BY MS. TROTTER:

16 Q Did you ever have any discussion with --
17 prior to April 2014 with a Dr. Geisher?

18 A Can you ask me the question again?

19 Q Prior to April of 2014, did you ever have
20 any discussion with a Dr. Geisher?

21 A Yes, I did.

22 Q On how many occasions prior to April of
23 2014?

24 A I first started speaking to Dr. Geisher
25 when I was at Live Action. I believe the first time

1 that I ever spoke with her was in 2010. Sometimes
2 Lila and I would speak to her together and other
3 times separately. And so I consulted with
4 Dr. Geisher probably once or twice a year from
5 between 2010 and -- and April 2014. So I would
6 say -- I would estimate I talked to her at least once
7 in 2010, 2011, 2012. So I'd say I maybe spoke to her
8 four or five times before -- before April 2014.

9 Q You understand Dr. Geisher to be pro-life?

10 A I believe that Dr. Geisher has pro-life
11 beliefs about abortion. I also know that she's a --
12 she's an expert in stem cells and regenerative
13 medicine and has many years of experience in the
14 biotech industry.

15 Q You understand Dr. Geisher to believe that
16 fetal tissue should not be used in research?

17 MS. SHORT: Objection, lacks foundation.

18 MR. JONNA: Join.

19 THE WITNESS: You know, I actually -- I
20 don't know what Dr. Geisher's -- I don't know what
21 her exact opinions are about the level of regulation
22 and the different statutes involved and, even,
23 actually the moral theology or the moral philosophy
24 of the use of certain kinds of cells and tissues and
25 their sources from fetuses and embryos. Some people

1 have different shades of nuance in that area,
2 actually, and I'm not an expert in Dr. Geisher's --
3 how she applies all those different principles that I
4 think she believes. So I don't know.

5 BY MS. TROTTER:

6 Q You testified earlier about discussions
7 that you had with Holly O'Donnell, correct?

8 A Yeah, I've had discussions with Holly
9 O'Donnell before.

10 Q When did you first meet Holly O'Donnell?

11 A I first met Holly O'Donnell in October of
12 2013.

13 Q How did you meet her?

14 A I found Holly O'Donnell on Facebook in
15 early October 2013. We first met by phone and had a
16 phone conversation or two, maybe three or four, in
17 the early part of October 2013. And then I believe I
18 first met her in person on October 25th, 2013. It
19 may be late October 2013, but I sort of remember
20 seeing that date somewhere, the 25th.

21 Q How did you come to find Ms. O'Donnell on
22 Facebook?

23 A So back at that time, in -- in late 2013,
24 Facebook had something called Graph Search, and it
25 was a special search mechanism where you could

1 actually tell it, I want to see all the people who
2 are age 18 to 35, who list Sacramento, California as
3 their -- as their hometown, and who list Starbucks as
4 their employment, and press search and Facebook would
5 spit out a list of like, you know, 10 or 20 or 30 --
6 however many people matched that criteria. So in --
7 I'm sure I did this multiple times, but sometime or
8 maybe multiple times during the fall of 2013, I ran
9 Facebook Graph Searches for everyone that listed
10 StemExpress as their place of employment. And so
11 that spat out a list of, maybe, 10 to 15 people. So
12 I went through them and some of them became -- some
13 of them were individuals who had -- who had quit
14 their job at StemExpress because they were really
15 dissatisfied with the practices of that company. One
16 of those was Holly O'Donnell. And so I contacted
17 Holly and we had a -- the first time we ever spoke
18 was, it was one evening in early October 2013. I
19 called her up by phone, we talked for about two
20 hours. She had me crying in tears within the first
21 30 minutes because of the things that she was telling
22 me about her job working for Planned -- working for
23 StemExpress, harvesting body parts for profit inside
24 of Planned Parenthood Mar Monte were so horrific it
25 was very difficult to hear. And -- but it was

1 incredibly clarifying. Holly and I met for the first
2 time at the end of October in 2013. She provided
3 hundreds and hundreds of pages of documents from her
4 time at StemExpress and at Planned Parenthood, and my
5 work would not have been possible without her. And
6 Holly died a couple of -- a couple of months ago in
7 the fall of -- in the fall of 2018, and I miss her a
8 lot. And Holly was a hero. Holly was absolutely a
9 hero, and I have not met anyone in this case yet or
10 in this movement who can hold a candle to her. So --
11 so Holly was -- Holly was a big part of everything.
12 Holly was a big part of everything and I miss her a
13 lot.

14 Q I'm going to ask you more about your
15 communications with Ms. O'Donnell, but I'm going to
16 go back to your Facebook searches. You said you ran
17 searches for -- and looked for matches basically to
18 StemExpress? Is that --

19 A Matches to people who listed StemExpress as
20 their place of employment.

21 Q And you came across, from that search, 10
22 to 15 people?

23 A Approximately 10 to 15 people, yeah.

24 Q Do you recall the names of any of those
25 people other than Ms. O'Donnell?

1 A Yes, I recall some of them.

2 Q Who do you recall?

3 A I recall Kristy Rebolcava, who was the
4 laboratory manager for StemExpress for sometime in
5 2012, 2013, at their Placerville laboratory.

6 Q Any others?

7 A No, I don't recall any of the other names
8 from that search specifically.

9 Q After you came across the list, having run
10 the search on Facebook, what did you do, if anything,
11 to reach out to those who were -- were the results of
12 that search?

13 A Besides contacting Holly, which I already
14 described, I also contacted Kristy Rebolcava and
15 Kristy was also -- was also an informant for CMP's
16 undercover journalism work. Kristy was the
17 laboratory manager. She was not -- she didn't
18 actually do fetal tissue procurement, at least not
19 that she told me. But she described to me just some
20 bigger picture stuff about the overall StemExpress
21 business.

22 Kristy as the lab manager was responsible
23 for some of the stem cell isolations that they would
24 do, so she talked about -- she talked about some of
25 the fetal organs that they would receive after the

1 procurement technicians had harvested them at the
2 Planned Parenthood clinics in the field, and then
3 transferred them back to the StemExpress laboratory.
4 She had one very disturbing story about -- she called
5 it the biggest fetal liver that they had ever
6 received from a Planned Parenthood clinic. She said
7 it was a 19-week baby, healthy mom, healthy baby.
8 They received the liver back at the StemExpress
9 laboratory. She said they ran a stem cell isolation
10 on it, pulled millions and millions of stem cells out
11 of it, put it all in a little vial and sold that vial
12 for \$17,000. And that story hit me really hard in
13 October 2013, because I think that 17 grand for, you
14 know, the people who are considering having an
15 abortion or having a late-term abortion, that could
16 be -- that's like half of somebody's salary right
17 there, somebody who is of a low socioeconomic status
18 in downtown Sacramento or in some of the worst parts
19 of Sacramento -- so that could be enough to pay for
20 somebody's rent or to make them feel like they --
21 like they don't have to choose between putting food
22 on the table and having a child. And yet in the
23 current system, the way that it's set up, and this is
24 a taxpayer-funded researcher, paying 17 grand for an
25 aborted fetal liver from Planned Parenthood. Some of

1 it was worth more in the current system for that
2 child to die than for that child to be alive.

3 Q That purchase was made from StemExpress?

4 A That purchase was made from StemExpress by
5 Jackson Laboratories.

6 Q You've mentioned Ms. O'Donnell and Kristy
7 is it Rebolcava?

8 A Rebolcava -- that's R-E-B-O-L-C-A-V-A.

9 Q Did you reach out to any others who were
10 the results of that search that you ran on Facebook
11 who had a connection to StemExpress?

12 A I don't believe I reached out to any of the
13 others who were the result of that search.

14 Q Why not?

15 A For two reasons. Number one, because it
16 was harder to find either contact information or even
17 just confirm whether or not they were still working
18 at StemExpress and in what capacity. Like, their
19 profiles were more limited, basically, on Facebook so
20 it was harder to see what was going on there. And
21 then -- actually, those are basically the two
22 reasons. Like, number one, it was hard to -- their
23 profiles were more limited, and so it was hard to
24 ascertain not only what their current StemExpress
25 status was, but what the best way would be to contact

1 them.

2 Q Were you only interested in people who had
3 been employed by StemExpress but were no longer
4 employed there?

5 A No, not necessarily.

6 Q But neither Kristy nor Ms. O'Donnell were
7 still employed by StemExpress at the time you reached
8 out; is that accurate?

9 A Yes, I think that's correct.

10 MS. TROTTER: Let's go off the record.

11 THE VIDEOGRAPHER: Going off the record at
12 3:00 p.m.

13 (Brief recess.)

14 THE VIDEOGRAPHER: Back on the record at
15 3:20 p.m. Start of Media Number 4.

16

17 BY MS. TROTTER:

18 Q Mr. Daleiden, have we now heard all of the
19 bases for your belief prior to April of 2014 that
20 Planned Parenthood and/or its affiliates were
21 involved in committing violent felonies?

22 MR. JONNA: Objection, overbroad, compound.

23 MR. MIHET: Jane.

24 MS. SHORT: Join.

25 MR. MONAGHAN: Join.

1 THE WITNESS: No, I have not said
2 everything yet.

3 BY MS. TROTTER:

4 Q What other bases -- withdraw that.

5 Prior to April of 2014, what were the other
6 bases for your belief that Planned Parenthood or its
7 affiliates were committing violent felonies?

8 MR. JONNA: Same objections.

9 THE WITNESS: Sure, there's several more
10 things. So there's the -- there's the undercover
11 investigation that I did with Live Action in late
12 2012, early 2013, that they released as their -- they
13 call today their InHuman Project, and that was
14 specifically an undercover journalism study on
15 late-term abortion services in the United States and
16 born-alive infants and infanticide after they were
17 born alive. And there were several pieces of really
18 shocking undercover footage that was gathered during
19 that investigation of -- of various abortion
20 facilities who were -- you know, who admitted that it
21 was a possibility that, and something they had
22 experienced with fetuses that could be born alive and
23 that they would either take no steps to provide
24 medical care to them afterwards, or actively kill
25 them sometimes. One talked about drowning them.

1 BY MS. TROTTER:

2 Q Let me stop you there. I'm going to let
3 you continue, but just ask a question on that. That
4 undercover footage, was that footage all released to
5 the public by Live Action?

6 A No, not all that footage has been released.

7 Q In that undercover footage, was there
8 express reference to Planned Parenthood in any of it?

9 A Yes.

10 Q What was specifically stated about Planned
11 Parenthood?

12 A I do not remember the exact statements in
13 the Planned Parenthood footage from that
14 investigation.

15 Q Do you have access to the undercover
16 footage from the Live Action InHuman Project?

17 A I'm not sure. I would have several years
18 ago, but that -- all of that footage I had on a hard
19 drive that was an external hard drive that was seized
20 by the California attorney general's office at the
21 behest of plaintiffs, so I haven't -- I suspect that
22 that exists on the -- on the evidence that we've
23 been -- the evidence drive that we've been provided
24 in the criminal case by the California attorney
25 general, although I haven't had an opportunity to go

1 through it in depth or in detail. It is actually a
2 very cumbersome and difficult thing to access. So
3 yeah, so that's my answer about that.

4 Q You can -- I think I cut you off as you
5 were going to describe the other bases for your
6 belief prior to April of 2014.

7 A Right. Another --

8 MR. MIHET: Objection, overbroad, vague and
9 ambiguous, calls for a narrative.

10 MR. JONNA: Join.

11 THE WITNESS: Another basis, this is more
12 specifically referring to -- more specifically on the
13 battery against patients and changes in the abortion
14 procedure. Susan and Brianna had a conversation at
15 the ARHP 2013 meeting in Denver, Colorado with Ruth
16 Arick, who runs Choice Pursuits. It's an abortion
17 clinic consulting firm. And in their undercover
18 conversation with Ruth, which was recorded in Denver,
19 Ruth Arick explicitly told them that they should be
20 looking -- and this -- they were attending as BioMax
21 -- so Ruth Arick specifically told BioMax that they
22 should be looking for abortion providers who would
23 be -- who would be open to over-dilating their
24 patients in order to obtain intact fetuses for them.
25 And Ruth Arick explicitly stated in that conversation

1 that that may present an increase risk to the
2 patient, but it was something that was important for
3 the business and so they should find the providers
4 who were interested in doing that. And Ruth Arick
5 said a couple of other thing that, I think, sort of
6 applied, and I thought at the time sort of applied to
7 the born-alive infant and partial-birth abortion
8 angle as well. Although I couldn't tell you off the
9 top of my head right now. I don't have the
10 transcript in front of me of that conversation.

11 BY MS. TROTTER:

12 Q Was that videotape released to the public
13 in full?

14 A No, that videotape has never been released.

15 Q Was there, to your knowledge, any part of
16 the conversation with Ruth Arick that was not
17 videotaped?

18 A There were -- to my knowledge, there were
19 two conversations with Ruth Arick. One conversation,
20 the first conversation, is only audio recorded. I
21 don't believe we have video of it. We might have
22 video of the surroundings, like, it might be a
23 situation where somebody's purse was, like, covering
24 the video camera or something. You know, sometimes
25 that happens. Although I don't -- I don't know off

1 the top of my head and I can't give a hard answer on
2 that. So the first conversation was at least audio
3 recorded, and we have the complete audio recording of
4 that conversation. And then there was a second
5 conversation that was much shorter, and I don't know
6 if there was much that was substantially said in it.
7 But that second conversation is on video.

8 Q And do you have those recordings in your
9 possession?

10 A Yes, I believe I do.

11 Q And any other bases?

12 MR. JONNA: Objection, overbroad, calls for
13 a narrative.

14 MR. MIHET: Join.

15 THE WITNESS: Yes, I would just expressly
16 put on the record, all other facts about these issues
17 and my bases for reasonable belief that I have put in
18 many declarations and other filings in other -- in
19 this case and in other related cases over the past
20 three or so years, and I would also state for the
21 record that there are a lot of other -- either other
22 bases or additional bases cumulative with the ones
23 that I've already mentioned, that are memorialized
24 and documented in many articles and reports and other
25 things that I have written over the past, what, I

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1 guess, almost nine years now at this point, as well
2 as -- as well as -- I know for a fact there are a lot
3 of other facts, documents, reports and other things
4 that were part of my knowledge through my work up
5 until April of 2014, that I would point to that form
6 the basis for that belief, but which not being
7 superhuman, I cannot recite for you in detail right
8 now in detail off the top of my head.

9 BY MS. TROTTER:

10 Q The declarations that you say were filed in
11 what you termed related cases, what are the related
12 cases that you're referring to?

13 A I'm referring to the -- the National
14 Abortion Federation lawsuit, the explicitly Capital R
15 related case in this matter. I'm also referring to
16 the StemExpress lawsuit from the Los Angeles -- that
17 was in the Los Angeles Superior Court, and I'm also
18 referring to the -- to the pending state case in San
19 Francisco Superior Court from the attorney general
20 brought at the behest of your clients, the
21 plaintiffs. And then -- and then also -- especially,
22 but not limited to, my declaration that was submitted
23 with an offer of proof in that case a month or so
24 ago. It was a couple months ago. And there might
25 even be something in the -- in the -- in the District

1 Attorney Harris County case from Texas, although I
2 don't know for sure.

3 But I think that would be the extent of --
4 of declarations or any other things that I have
5 submitted in legal proceedings and court proceedings
6 that are connected to this one, in some form or
7 another.

8 Q Do you recall the titles of any articles
9 that you have written, yourself, that you think may
10 contain facts that you had prior to April 2014
11 supporting your belief that Planned Parenthood or its
12 affiliates had committed or were committing violent
13 felonies?

14 A Yeah, I could give you a couple of
15 examples. There was a special report that Center for
16 Medical Progress recently published on Planned
17 Parenthood partial-birth abortion, and that is up on
18 the CMP website. I'm the author of that report, and
19 that incorporates a certain amount of background
20 information that, I think, predates 2014, and is
21 stuff that I'm aware of today because I've been aware
22 of it since, you know, 2010, 2011, 2012, 2013,
23 through work at Live Action. There's -- there's a
24 few fact sheets that Adrian and I put together for --
25 for the CMP project release originally, we put

1 together in May or June of 2015. One of those fact
2 sheets on digoxin and feticide. I think one of them
3 is on partial-birth abortion, and there might have
4 been a few others. I couldn't tell you off the top
5 of my head but I'm pretty sure that there are studies
6 and other documents that are cited in those fact
7 sheets that are some of the same studies that have
8 been, sort of, part of my research collection from my
9 time at Live Action, and that informed my
10 understanding of all these issues going into them in
11 April of 2014.

12 And -- and then -- I'm sorry, did you ask
13 me sort of generally about articles or did you ask me
14 for specific -- if there are specific articles?
15 That's probably as specific as I can get for you
16 right now, but those are the sorts of things that I'm
17 describing.

18 Q Yes. I'm asking you to exhaust your memory
19 as you sit here today as to the specific articles
20 that you have authored that you believe contain facts
21 that you had prior to April 2014 that supported your
22 belief that Planned Parenthood or its affiliates were
23 engaged in committing violent felonies.

24 MR. MIHET: Objection, form, overbroad,
25 calls for a narrative.

1 MR. JONNA: Join.

2 THE WITNESS: Okay. Yeah, then I'm
3 attempting to exhaust my memory for you here today,
4 understanding that exercise is not coextensive with,
5 you know, any other notes and documents and
6 memorializations and everything else that would, you
7 know, justifiably support my reasonable belief in
8 2014. I believe that there -- there's probably at
9 least one blog or article that I would have written
10 for Live Action News or for the Live Action blog,
11 really any time between 2010 and 2013, when I left.
12 There might even be multiple blogs or articles like
13 that. But yeah, I could not tell you off the top of
14 my head exactly when they were and all of that.

15 And that -- that probably exhausts my
16 memory as far as articles or reports that I, myself,
17 personally authored and wrote. And then I could
18 refer you to other -- you know, other published
19 studies that I know that I relied on at the time,
20 have relied on since and relied on even before.
21 There's studies from the UK that I think we've even
22 produced in this case about the frequency of
23 born-alive infants after late-term abortion
24 procedures. There's actually -- there's a whole book
25 that formed a really big, kind of, formative part of

1 what I was aware of and what I was interested in
2 investigating on the whole fetal trafficking issue.
3 The book is "Beyond Abortion, a Chronicle of Fetal
4 Experimentation" by an investigative journalist named
5 Suzanne Rini. And it was first published in the late
6 1980s and it was updated in the early 1990s. That
7 report is an extensive accumulation of many, many
8 published research studies on not only -- not only
9 using harvested aborted fetal organs and tissues, but
10 also on the incidence of live fetal experimentation
11 and borderline fetal experimentation, which -- which
12 is something Lila and I first came across in 2010,
13 and there's a couple of very disturbing studies
14 done -- studies published in peer-reviewed journals
15 in the late 1960s and early 1970s about fetuses
16 actually being intentionally -- viable fetuses being
17 intentionally delivered alive in late-term abortions
18 and then used for experimentation because, under the
19 current abortion -- or under the contemporary
20 abortion law framework, they were not considered to
21 be human beings with constitutional rights so they
22 could be experimented on at will. And so there are
23 documented cases of that in our history, sadly in our
24 country, and that formed part of my suspicion and
25 part of what all of CMP's investigative work was

1 formed to do and follow up on.

2 So those are sort of casting around in the
3 exhausted recesses of my memory what I can deliver to
4 you today, off the top of my head, on the record.
5 But that is -- I believe and remember that there is
6 more, but I don't feel like I can remember it off the
7 top of my head for you right now.

8 BY MS. TROTTER:

9 Q When you were at Davis High School, did you
10 know a young woman by the name of Brianna Allen?

11 A I didn't really know a Brianna Allen at
12 Davis High School. I know that -- I know that there
13 was a Brianna Allen. I don't know if I -- I think
14 I -- I do remember, like, sort of, what she looked
15 like, and knowing that I knew she was one of my
16 classmates, broadly speaking, in the class of 2007.
17 But that's the extent of what I remember about her.

18 Q Did you ever speak with Brianna Allen after
19 you graduated high school?

20 A No.

21 Q Now, I believe you testified earlier that
22 it was during the time while you were still working
23 at Live Action when you developed or began to develop
24 the project that became known as the Human Capital
25 Project; is that correct?

1 MS. TROTTER: Go off the record.

2 THE VIDEOGRAPHER: Going off the record at
3 5:02 p.m.

4 (Brief recess.)

5 THE VIDEOGRAPHER: Back on the record at
6 5:21 p.m. Start of Media Number 5.

7

8 MS. TROTTER: Going to have the court
9 reporter mark as Exhibit 344, a one-page document
10 which is Bates stamped PP 5935.

11 (Exhibit 344 was marked for
12 identification.)

13 BY MS. TROTTER:

14 Q Mr. Daleiden, showing you what the court
15 reporter has marked as Exhibit 344. Do you recognize
16 that document?

17 A I believe I do.

18 Q The picture of the person on Exhibit 344 is
19 you, correct?

20 A That is -- that is me when I was 15.

21 Q And so it's you, correct? At whatever age?

22 I'm kidding. The name that is on Exhibit
23 344, Robert Sarkis, that's not your name, correct?

24 A Robert Sarkis is my pseudonym.

25 Q It's not your legal name?

1 A It is not --

2 MS. SHORT: Objection, calls for a legal
3 conclusion.

4 MR. JONNA: Join.

5 THE WITNESS: It's not the name on my birth
6 certificate.

7 BY MS. TROTTER:

8 Q Have you ever filed with any governmental
9 authority a name change application?

10 A No, I have not.

11 Q Have you ever used the name Robert Sarkis
12 on any government applications of any kind?

13 A No, I have not.

14 Q How did you obtain or create the ID that is
15 reflected in Exhibit 344?

16 MR. JONNA: Objection, compound, vague and
17 ambiguous, lacks foundation.

18 MR. MIHET: Also assumes facts not in
19 evidence.

20 MR. MONAGHAN: Join in those objections.

21 MS. SHORT: Join.

22 THE WITNESS: I -- I printed it out.

23 BY MS. TROTTER:

24 Q And when you say you printed it out -- let
25 me withdraw that.

1 How did the name Robert Dow Sarkis come to
2 appear on Exhibit 344?

3 MR. JONNA: Objection, vague and ambiguous.

4 THE WITNESS: I typed that over my name on
5 a scan of my expired driver's license.

6 BY MS. TROTTER:

7 Q And when did you do that?

8 A Sometime in late 2013. I don't remember
9 the exact month.

10 Q Where were you when you did that?

11 A I believe I was at home in Orange County.

12 Q Why did you do that?

13 A I did that in order to create a -- a
14 novelty photo ID for my citizen journalism work.

15 Q For what purpose?

16 MR. JONNA: Objection, asked and answered.

17 THE WITNESS: In order to have a photo
18 identification that would match the name -- that
19 would match the pseudonym Robert Sarkis.

20 BY MS. TROTTER:

21 Q Who did you intend, if anyone, to provide
22 Exhibit 344 to after you created it?

23 MR. JONNA: Objection, lacks foundation.

24 THE WITNESS: Only to individuals who asked
25 me for a photo ID, though I never intended to use

1 this to drive or register to vote or purchase
2 alcohol. And I never did.

3 BY MS. TROTTER:

4 Q Did you ever create an ID like is contained
5 in 344 for any other person?

6 MR. JONNA: Objection, vague and ambiguous.

7 MR. MIHET: I'll join.

8 THE WITNESS: I asked for a document like
9 this exhibit to be created for another person.

10 BY MS. TROTTER:

11 Q For whom?

12 A For Susan Merritt.

13 Q And who did you ask to create that
14 document?

15 A I asked some guy in -- it was either in
16 Irvine or Santa Ana. I'm not sure exactly where. It
17 might have been Newport Beach. I don't know the
18 exact location. And I don't remember his name.

19 Q Was this person in Irvine or Newport Beach
20 in a business establishment of some type?

21 MR. JONNA: Objection, vague and ambiguous.

22 THE WITNESS: He was in an industrial
23 office park.

24 BY MS. TROTTER:

25 Q How did you come to have contact with this

1 person in Irvine or Newport Beach?

2 A I believe I found his contact information
3 on Craigslist.

4 Q Had you done some search on Craigslist in
5 order to find this person?

6 A I don't -- I don't remember exactly if it
7 required a search or just looking through the
8 directories. I don't remember.

9 Q You saw a listing in the Craigslist
10 directory for this person in either Irvine or Newport
11 Beach?

12 A I saw a listing for the service of novelty
13 IDs.

14 Q At the time that you made contact with this
15 person in Irvine or Newport Beach to create the
16 document for Susan, had you already created Exhibit
17 344?

18 A I don't remember.

19 Q Why did you ask this person in Irvine or
20 Newport Beach to create the ID for Susan?

21 MR. JONNA: Objection, misstates testimony.

22 THE WITNESS: Because -- because I needed a
23 novelty photo ID with the name Susan Tennenbaum for
24 CMP's undercover journalism study.

25 BY MS. TROTTER:

1 Q Did you create a fake Facebook page for
2 Susan?

3 MR. MIHET: Objection, form.

4 MR. JONNA: Join.

5 THE WITNESS: I created a rudimentary
6 Facebook profile for the name Susan Tennenbaum.

7 BY MS. TROTTER:

8 Q Did you create a Facebook page for Robert
9 Sarkis?

10 A No.

11 Q Do you have a physical version, not a copy,
12 but a physical, original version of what is contained
13 in Exhibit 344?

14 A I believe that we have produced that or
15 produced the opportunity to inspect that physical
16 version in this litigation.

17 Q Do you have that in your possession?

18 A No, it's in my counsel's possession.

19 Q Okay. Other than Susan, did you create any
20 documents like Exhibit 344 for any other person?

21 A No, I did not create such a document for
22 another person.

23 Q Did you direct anyone else to create a
24 document like Exhibit 344 for any other person other
25 than yourself or Susan?

1 A Yes, I directed one for -- or one for
2 Brianna as well.

3 Q Who did you direct to create one for
4 Brianna?

5 A Also from the gentleman in the industrial
6 office park in Irvine or Newport.

7 Q Did you ask that gentleman to create the
8 documents for Brianna and Susan at the same time?

9 A Yes.

10 Q How much did that gentleman charge you for
11 those documents?

12 A I can't remember. I would estimate that it
13 was -- that the total charge was -- or the total
14 price was between \$40 total and probably \$120, total
15 would be the maximum. But I really don't remember.

16 Q Have you ever signed anyone's name to any
17 document without their authorization?

18 MR. JONNA: Objection, overbroad.

19 MR. MIHET: Vague and ambiguous.

20 MS. SHORT: Join.

21 MR. MONAGHAN: Join.

22 THE WITNESS: I don't believe so.

23 BY MS. TROTTER:

24 Q Have you ever signed any document with the
25 name Phil Cronin without authorization?

1 that's the basis and the metric by which he was paid.

2 Q I believe it's Exhibit 344 that we were
3 looking at earlier, which is the ID. It's probably
4 flipped over, maybe the first one on the pile there.
5 I'm not sure exactly where it is.

6 You testified earlier that you viewed the
7 ID as a novelty item?

8 A That's correct.

9 Q Did you ever tell anyone associated with
10 NAF that the ID was a novelty item?

11 A No, I don't know that I ever told anybody
12 at NAF anything about this document.

13 Q Did you ever -- let me ask you this. Did
14 you ever use the ID that is reflected in Exhibit 344
15 to enter any conferences or events?

16 MR. JONNA: Objection, compound, overbroad.

17 THE WITNESS: I used -- I used this
18 document to obtain my badge at event registration
19 tables.

20 BY MS. TROTTER:

21 Q Did you ever use the document for any other
22 purpose, the ID for any other purpose other than
23 entering events or conferences or obtaining your
24 badge for events or conferences?

25 A Other than to present -- present -- present

1 identification at Planned Parenthood Gulf Coast in
2 Houston, no.

3 Q When you presented the ID to Planned
4 Parenthood Gulf Coast in Houston, did you tell any of
5 the Planned Parenthood Gulf Coast personnel that the
6 ID was a novelty item?

7 A I didn't tell them anything about this
8 document.

9 Q Did you, at any point in time in which you
10 used the ID to obtain a badge for any event, tell
11 anyone connected with the event that the ID was a
12 novelty item?

13 MR. JONNA: Objection, vague and ambiguous,
14 overbroad.

15 THE WITNESS: I had no conversations
16 whatsoever with anybody at the events about those
17 documents.

18 MS. TROTTER: No further questions.

19 MS. MALTZER: I need to go off the record
20 so I can get resettled.

21 THE VIDEOGRAPHER: Off the record at 6:08.

22 (Brief recess.)

23 THE VIDEOGRAPHER: Back on the record at
24 6:23 p.m.

25

EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

* * CONFIDENTIAL * *

* * ATTORNEYS EYES ONLY * *

VIDEOTAPED DEPOSITION OF 30(b)(6) OF
THE CENTER OF MEDICAL PROGRESS
(DAVID DALEIDEN)
WEDNESDAY, APRIL 17, 2019
9:37 A.M.

REPORTED BY: KATHERINE FERGUSON, CSR NO. 12332
JOB NO. 158912

1 which begins on the third page of the exhibit. And
2 it's actually the first page of the attachment, Bates
3 stamped 7128. And turn your attention to the section
4 that is headed "remaining components"; do you see
5 where I am?

6 A Yes, I see that.

7 Q And then underneath that, there is a number
8 1 with a heading or subheading "follow-up stings,"
9 correct?

10 A That's correct.

11 Q And the text under that subheading reads,
12 "the project's front corporation has become a known
13 and trusted entity to many important individuals in
14 the upper echelons of the abortion industry,
15 including key Planned Parenthood leaders"; do you see
16 that?

17 A Yes, I see that.

18 Q The front corporation that is referred to
19 in that sentence was Biomax, correct?

20 A I believe that that is Biomax.

21 Q The paragraph goes on to read, "we need to
22 leverage these contacts to secure follow-up meetings
23 with medical directors and strategic Planned
24 Parenthood affiliates to discuss fetal tissue
25 procurement contracts at length," correct?

1 A That's correct.

2 Q So CMP was using the trust that it had
3 built up utilizing Biomax to make contact with
4 important individuals in Planned Parenthood and
5 others in order to leverage those contacts to set up
6 meetings with medical directors at Planned
7 Parenthood, correct?

8 MR. JONNA: Objection, vague and ambiguous.

9 A I don't think that's exactly what I wrote
10 in this paragraph.

11 BY MS. TROTTER:

12 Q Was that what CMP was doing?

13 A What CMP was doing was using the networking
14 that Biomax did in order to explore the market in
15 aborted fetal tissue and organ harvesting and to
16 explore that with Planned Parenthood medical
17 directors and others.

18 MS. TROTTER: I'll have the court reporter
19 mark as exhibit 355 a document, first page of which
20 is Bates stamped CM 4228.

21 (Exhibit 355 was marked for
22 identification.)

23 BY MS. TROTTER:

24 Q Mr. Daleiden, the first page of Exhibit 355
25 is an e-mail from you to Mr. Rhomberg, dated April

1 A Dr. Janet Smith was mainly -- mainly an
2 adviser, although I believe she did contribute a
3 little bit of money at some point.

4 Q And you attached to the e-mail to Dr. Smith
5 the operation report for Center For Medical Progress,
6 correct?

7 A Yes, I did.

8 MS. TROTTER: I'll have the court reporter
9 mark as Exhibit 359 a document, first page of which
10 is Bates stamped CM 3.

11 (Exhibit 359 was marked for
12 identification.)

13 BY MS. TROTTER:

14 Q Mr. Daleiden, Exhibit 359 is a copy of the
15 brochure that you testified earlier that you created
16 for Biomax; is that correct?

17 A That's correct.

18 Q On the first page of that exhibit, in the
19 middle section, there is a section that is entitled
20 "about Biomax"; do you see where I am?

21 A Yes, I see that.

22 Q And the text under that section reads,
23 "Biomax Procurement Services, LLC is a biological
24 specimen procurement organization," correct?

25 A Yes, I see that.

1 Q That's a false statement, correct?

2 MR. JONNA: Objection, argumentative.

3 A No, I don't believe it is.

4 BY MS. TROTTER:

5 Q It's your belief that Biomax Procurement
6 Services, LLC is a biological specimen procurement
7 organization?

8 A Biomax is identified as a biological
9 specimen procurement organization.

10 Q That sentence goes on to read,
11 "headquartered in Norwalk, California," correct?

12 A Correct.

13 Q That's a false statement, correct?

14 A No, that is not a false statement.

15 Q Did Biomax ever have offices in Norwalk,
16 California?

17 A Biomax was headquartered and I believe the
18 actual LLC formation papers for Biomax specified the
19 headquarters at Biomax's post office box in Norwalk,
20 California.

21 Q So Biomax had a post office box in Norwalk,
22 California?

23 A Correct. That was the extent of Biomax's
24 physical plant space.

25 Q That paragraph goes on to say, "Biomax

Page 41

1 provides tissue and specimen procurement for academic
2 and private bioscience researchers"; that's what it
3 says, correct?

4 A That's what it says.

5 Q That's a false statement, right?

6 A That's advertising language.

7 Q That's a false statement, correct?

8 MR. JONNA: Objection, asked and answered.

9 A I don't believe that normal advertising
10 language for a company is a false statement, no.

11 BY MS. TROTTER:

12 Q Did Biomax ever provide tissue or specimen
13 procurement for academic and private bioscience
14 research?

15 A Biomax explored that market and ultimately
16 was not able to do so.

17 MR. JONNA: I think a couple people joined
18 the call. Can you please identify yourself besides
19 Albin Rhomberg.

20 MR. MIHET: Katie Short for Defendant Albin
21 Rhomberg.

22 MR. JONNA: Anyone else on the phone
23 besides Albin Rhomberg and Katie Short?

24 (No response)

25 BY MS. TROTTER:

1 A The -- the individual who portrayed Susan
2 Tennenbaum actually did have some medical experience
3 in the 1980s, or clinical experience in the 1980s, to
4 my knowledge, or at least in the past, to my
5 knowledge, however, this -- this statement is not
6 meant to be literally true.

7 Q The next name down is the name Brianna
8 Allen?

9 A Yes, I see that.

10 Q And it says, in parentheses, "procurement
11 assistant," correct?

12 A Yes, I see that.

13 Q And Brianna Allen is a pseudonym?

14 A That's correct, Brianna Allen is a
15 pseudonym.

16 Q What is the legal name of the person who
17 used the synonym Brianna Allen?

18 MR. JONNA: Objection, calls for
19 speculation.

20 A In 2014, I believe her legal name is
21 Brianna Baxter. I know she has gotten married
22 recently, so I believe her legal name is now
23 different.

24 BY MS. TROTTER:

25 Q Underneath the pseudonym Brianna Allen, it

1 And I don't believe they ever asked.

2 BY MS. TROTTER:

3 Q Did Biomax ever have any W2 employees?

4 A Not to my knowledge.

5 Q Did Biomax ever have any 1099 independent
6 contractors?

7 A I don't believe so.

8 Q Anna Bettisworth used a pseudonym as well
9 in connection with Biomax, correct?

10 A Yes, I believe she did.

11 Q And that pseudonym was Rebecca Wagner?

12 A Yes, it was Rebecca Wagner.

13 Q We looked yesterday, during your individual
14 deposition, at some copies of identifications; do you
15 recall that? There were two, one Robert Sarkis, the
16 other Susan Tennenbaum; do you recall that?

17 A Yes, I remember those.

18 Q Was there also an identification prepared
19 for the pseudonym Rebecca Wagner?

20 A I am not sure.

21 Q Did Mr. Lopez ever adopt a pseudonym in
22 connection with Biomax?

23 A No, Adrian always used his nickname, middle
24 name, Adrian Lopez.

25 Q And that was because Mr. Lopez was not an

1 anti-abortion activist, correct?

2 A No, that was -- that was because Adrian
3 Lopez is a very, very, very common name and it was
4 felt that -- that the commonality of his name was
5 sufficient to protect his associational privacy
6 interest in doing undercover work part-time and then
7 going on with the rest of his life.

8 Q And to hide his identity, correct?

9 A No, I don't know that anyone tried to hide
10 Adrian's identity.

11 Q But you tried to hide your identity?

12 MR. JONNA: Objection, vague and ambiguous,
13 overbroad.

14 A I tried to protect my First Amendment
15 rights to do citizen journalism work on the fetal
16 trafficking market in America.

17 BY MS. TROTTER:

18 Q Were you involved in selecting the
19 pseudonym for Ms. Merritt?

20 A I believe that I was involved in a
21 conversation about it.

22 Q With Ms. Merritt?

23 A I believe so.

24 Q Were you involved in selecting the
25 pseudonym of Brianna Baxter?

1 Q Did you ever tell anyone that you
2 understood to be connected with NAF that you were
3 engaged in LARPing?

4 MR. JONNA: Objection, asked and answered.

5 A No one at NAF ever asked me about that.

6 BY MS. TROTTER:

7 Q Did you ever tell them that?

8 MR. JONNA: Same objection.

9 A I never had any discussion with anyone at
10 NAF about journalism or about LARPing or about poetry
11 or acting or any other kind of communication. My
12 communications with people at NAF were about the
13 market, were about exploring the market for fetal
14 tissue harvesting and sales.

15 BY MS. TROTTER:

16 Q So the answer to my question is you never
17 had any discussion with anyone who you understood to
18 be connected with NAF in which you told them you were
19 involved in LARPing, correct?

20 MR. JONNA: Objection, asked and answered.

21 A That's correct.

22 MR. MIHET: I'll join.

23 A We never talked about LARPing with NAF.

24 MS. TROTTER: Okay. Thank you.

25 Now, I want to have marked as Exhibit 364 a

1 card at any point in time to anyone that you believe
2 to be connected with Planned Parenthood?

3 MR. JONNA: Objection, overbroad, calls for
4 speculation.

5 A Yes, I believe I did.

6 BY MS. TROTTER:

7 Q Do you know if the business card with the
8 pseudonym Susan Tennenbaum was ever provided to
9 anyone associated with Planned Parenthood?

10 MR. JONNA: Same objections.

11 A Yes, I believe it was.

12 BY MS. TROTTER:

13 Q Was the business card with the pseudonym
14 Susan Tennenbaum provided to anyone associated with
15 NAF?

16 MR. JONNA: Same objections.

17 A Yes, I believe it was.

18 BY MS. TROTTER:

19 Q Same question as to the pseudonym Robert
20 Daoud Sarkis.

21 MR. JONNA: Same objections.

22 A Yes, I believe it was.

23 BY MS. TROTTER:

24 Q Was the business card with the pseudonym
25 Brianna Allen provided to anyone associated with

1 Planned Parenthood?

2 MR. JONNA: Same objections.

3 A Yes, I believe it was.

4 BY MS. TROTTER:

5 Q Was the business card with the pseudonym
6 Brianna Allen ever provided to anyone associated with
7 NAF?

8 MR. JONNA: Same objections.

9 A Yes, I believe it was.

10 BY MS. TROTTER:

11 Q Other than the three business cards that
12 are reflected in Exhibit 366, did you create any
13 other business cards for Biomax?

14 A Yes, I did.

15 Q What other business cards did you create
16 for Biomax?

17 A I remember creating a business card for
18 Adrian Lopez and I also remember creating a business
19 card for Rebecca Wagner.

20 Q And Rebecca Wagner was the pseudonym for
21 Ms. Bettisworth?

22 A That's correct.

23 Q And -- and Adrian Lopez is Mr. Lopez's
24 actual legal name?

25 A His legal name is Gerardo Adrian Lopez.

1 Q The business cards for Biomax that
2 contained the name Adrian Lopez, were those business
3 cards ever provided to anyone associated with Planned
4 Parenthood?

5 MR. JONNA: Objection, calls for
6 speculation.

7 A Yes, I believe they were.

8 MR. JONNA: Overbroad.

9 A Yes, I believe they were.

10 BY MS. TROTTER:

11 Q Same question as to NAF.

12 MR. JONNA: Same objections.

13 A Yes, I believe they were.

14 BY MS. TROTTER:

15 Q The business cards that contained the
16 pseudonym Rebecca Wagner, was that business card ever
17 provided to anyone associated with Planned
18 Parenthood?

19 MR. JONNA: Same objections.

20 A Yes, I believe it was.

21 BY MS. TROTTER:

22 Q Was the business card with the pseudonym
23 Rebecca Wagner ever provided to anyone associated
24 with NAF?

25 MR. JONNA: Same objections.

1 A Yes, I believe it was.

2 MS. TROTTER: I'll have the court reporter
3 mark as Exhibit 367 a document that contains the
4 Bates number CM 5.

5 (Exhibit 367 was marked for
6 identification.)

7 BY MS. TROTTER:

8 Q Mr. Daleiden, do you recognize the cards
9 that are copied and appear in Exhibit 367?

10 A Yes, I believe I do.

11 Q Were you personally involved in obtaining
12 any of the three cards that appear in Exhibit 367?

13 A Yes, I was.

14 Q Were you personally involved in obtaining
15 all three of the cards that appear in Exhibit 367?

16 A Yes, I was.

17 Q I'll start with the cards which bear the
18 name Bank of America that are on -- I guess it's the
19 bottom of the page. If you don't turn it sideways
20 you should have it.

21 There are two Bank of America cards; do you
22 see that?

23 A Yeah, I see that.

24 Q Let me first ask you, do -- does CMP have
25 possession of the actual cards that are copied in

1 Q Did you ever use that debit card?

2 A Yes, I have used that debit card before.

3 Q Have you ever had a Bank of America debit
4 card with the name Robert Sarkis?

5 A Yes, CMP has had a Robert Sarkis customized
6 CMP debit card before.

7 Q And was that a Bank of America debit card?

8 A I know that there was a Chase debit card
9 for Robert Sarkis on the Biomax Procurement Services
10 Chase account. I am not sure -- there may have been
11 a Robert Sarkis business debit card on The Center For
12 Medical Progress account, although I don't know if it
13 was ever activated.

14 Q The card that is underneath -- I'll call it
15 underneath because you have it sideways there -- that
16 is the other Bank of America card on Exhibit 367,
17 bears the pseudonym Brianna Allen; do you see that?

18 A Yes, I see that.

19 Q Was that card obtained at the same time as
20 the card bearing the name Phil Cronin?

21 A I would estimate it was obtained around the
22 same time. I do not remember specifically if both
23 cards were -- were literally requested on the same
24 day and shipped together or if there was a time gap
25 of a couple of weeks or maybe a month. Yeah, that's

1 the extent to what I remember about the timing of
2 those two.

3 Q Do you recall personally going onto the
4 Bank of America portal in order to request a card
5 that bears the name Brianna Allen?

6 A I'm sure that I did, the same way I'm sure
7 I did for the Phil Cronin one. I don't necessarily
8 have a clear picture memory of me actually sitting on
9 my laptop in the CMP Bank of America portal and
10 typing in Phil Cronin and typing in Brianna Allen.
11 That is the process that I remember having used
12 multiple times, but I don't remember the specific
13 event.

14 Q I'll note, as I look at the two cards
15 there, the Bank of America cards in Exhibit 367, the
16 one bearing Mr. Cronin's name appears to have an
17 expiration date of September 2017 and the one bearing
18 the pseudonym Brianna Allen has an expiration date
19 that appears to be March 2018; do you see that?

20 A Yes, I see that.

21 Q Do you know why it is there were two
22 different expiration dates?

23 MR. JONNA: Objection, calls for
24 speculation.

25 A I do not know for a fact, but looking at

1 those two dates does refresh my recollection a little
2 bit. I think, I suspect, although not sure, but I
3 suspect that there may have been multiple iterations
4 of the Brianna Allen CMP business card, that is, that
5 there might have been a first one that was requested
6 and then that one itself may have expired. So
7 perhaps it was earlier than the Phil Cronin one. And
8 then I think we requested a replacement one. But I
9 don't remember for sure, but I have a feeling that
10 might be part of it, just looking at the dates on it.

11 BY MS. TROTTER:

12 Q The cards bearing the name Robert Sarkis,
13 do you still have those in your possession?

14 A I believe The Center For Medical Progress
15 still has those physical document -- physical items.

16 Q When you went onto the Bank of America
17 portal in order to request the cards, did you have to
18 check off any boxes after you -- either before or
19 after you put in the name?

20 MR. JONNA: Objection, vague and ambiguous.

21 A Not that I remember.

22 BY MS. TROTTER:

23 Q Did you have to click on any buttons in
24 order to submit the request?

25 MR. JONNA: Same objection.

1 A I believe that -- I mean, I do remember a
2 final either finish button or submit button or some
3 kind of final button at the end of the form. I also
4 am pretty sure we produced a screen shot of that form
5 or screen shots of the multistep form, whatever that
6 was in this litigation. So that is a document that I
7 think that plaintiffs have, if you wanted to show me
8 that document or if you have it.

9 BY MS. TROTTER:

10 Q The portal that you described going on to
11 get the Bank of America cards, was that at the
12 website BankofAmerica.com?

13 A Yes, I believe it was.

14 Q I want to turn now to the Chase card that
15 is in Exhibit 367.

16 That card bears the name Gerardo A. Lopez,
17 correct?

18 A Yes, that's correct.

19 Q And underneath that, it says "Biomax
20 Procurement Services," correct?

21 A Yes, that's correct.

22 Q Did Biomax Procurement Services, LLC have
23 an account at Chase?

24 A Yes, Biomax did.

25 Q When did Biomax open that account?

1 A I would estimate that Biomax opened that
2 account either in -- either in late 2014 or in early
3 2015.

4 Q Were you personally involved in requesting
5 the Chase card that is reflected in Exhibit 367?

6 A Yes, I was.

7 Q How did you go about requesting that card?

8 A So after Adrian requested it from me, I
9 went to -- I physically went to one of the Chase
10 branches here in Orange County because Chase did not
11 have a very developed online business portal thing.
12 And so I went to -- to the Chase -- to the Chase
13 branch, I don't remember exactly where it was, it
14 might have been Fountain Valley, and they had a
15 terminal in their -- in the bank branch, like a
16 computer terminal that was specifically set up for
17 the purpose of requesting complementary customized
18 employee or associate business debit cards on your
19 business's bank account.

20 And so I went to that terminal and I
21 requested one in the name of Gerardo Adrian Lopez and
22 they -- it was a form, I think, more or less
23 functionally identical to the one from the Bank of
24 America business portal, just for Chase. And I
25 clicked submit and we got this card a few weeks

1 later, shipped from Chase.

2 Q When you went into the Chase branch in
3 order to make the request for the card containing
4 Mr. Lopez's name, did you, at that same time, request
5 cards in any other people's names?

6 A I may have requested a Robert Sarkis, a
7 Biomax Procurement Services associate debit card
8 customized with the Robert Sarkis name. And I may
9 have requested one with the Susan Tennenbaum name on
10 it as well. Although, I don't remember exactly if
11 that -- if that all happened at once or if there were
12 multiple visits. I can't remember for sure.

13 Q Do you have, in your possession, all of the
14 Chase cards that you obtained with the Biomax name?

15 A Yes, I believe that CMP and Biomax still
16 have possession of all of the old Biomax business
17 debit cards on the Biomax Chase account.

18 Q Did Mr. Lopez tell you why it was that he
19 was asking you to procure a card with his name on it?

20 A Yes, I remember him saying that, more or
21 less, he wanted to be able to -- to make Biomax
22 purchases while we were -- while we were on
23 undercover trips.

24 Q Are you aware of Mr. Lopez using the card
25 containing his name in order to purchase alcohol?

1 Family Planning put on with PPFA site of family
2 planning in Miami in October 2014.

3 Q In the CC line of the e-mail, there's the
4 address to the pseudonym Susan Tennenbaum; do you see
5 that?

6 A Yes, I see that.

7 Q And then an e-mail address following that
8 pseudonym, correct?

9 A Yeah.

10 Q At any point in time, did you personally
11 ever send any e-mail to anyone from the e-mail
12 address Susan@Biomaxps.com?

13 A Yes, I believe I have.

14 Q On how many occasions, do you recall?

15 A No, I don't really recall a number. That
16 would be hard for me to estimate right now.

17 Q Did anyone, other than you, at any point in
18 time that you're aware of, ever send any e-mail to
19 anyone from the e-mail address Bob@Biomaxps.com?

20 MR. JONNA: Objection, calls for
21 speculation.

22 A No, not that I'm aware of.

23 BY MS. TROTTER:

24 Q At any point in time, did anyone, to your
25 knowledge, ever send any e-mail to anyone else from

1 thread is an Ashley Baldwin; do you see that?

2 A Yes.

3 Q Who is Ashley Baldwin?

4 A Ashley Baldwin is a friend of mine. I met
5 her -- I think I met her through Anna Bettisworth
6 back when I was still working with Lila at Live
7 Action. And so I met Ashley in -- I think in 2012.
8 Anna has, I guess, known her much, much longer than
9 that. And Ashley is just someone who I thought has a
10 good, friendly outsider perspective, especially at
11 this time, on a lot of the work that I had been
12 doing. So Ashley, along with Anna and Kate, were
13 sort of part of a -- part of a group of just three
14 old friends, old colleagues that I started running
15 some things by in, like, May and June and July of
16 2015, gearing up for the project release.

17 Q And the Kate that you just referenced in
18 your answer is Kate Bryan?

19 A Kate Bryan.

20 Q If you look at the first page of Exhibit
21 393, at the bottom, there is an e-mail from Ashley
22 Baldwin to you, with a number of people on CC; do you
23 see that?

24 A Yes, I see that e-mail.

25 Q And Ms. Baldwin writes to you, "Like I've

EXHIBIT 3

1

2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4

5 PLANNED PARENTHOOD FEDERATION OF)
6 AMERICA, INC., et al.,)
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Job No. 159294

Reported by:

JENNIFER K. WINTERS, CSR NO. 8543

1 Ms. Baxter?

2 A. I believe so.

3 Q. All right. You didn't know Ms. Baxter I take
4 it before then?

5 A. Correct.

6 Q. Ms. Merritt, I've placed in front of you
7 what's been marked as Deposition Exhibit Number 415. Do
8 you have that document in front of you?

9 (Whereupon Exhibit 415 is marked for the record.)

10 A. I do.

11 Q. Do you recognize it?

12 A. Do I recognize --

13 Q. Yeah.

14 A. -- the document? I see the document, yes.

15 Q. Okay. What is it?

16 A. This is a picture of the novelty piece that
17 was used to -- in case ever we had to show
18 identification, in case that was ever needed this
19 novelty piece was used.

20 Q. Okay. When you say novelty piece you're
21 referring to the picture of something that purports to
22 be a DMV California driver's license, correct?

23 MR. MIHET: Objection, the document speaks for
24 itself.

25 THE WITNESS: I'm talking about this -- the picture

1 of what's on the Exhibit 415.

2 MR. FORAN:

3 Q. Right. And the novelty piece --

4 A. Yes.

5 Q. -- to use your phrase, has the words
6 California Driver License on it, right?

7 A. Yes, it does.

8 Q. And it has the words DMV on it, right?

9 A. Yes.

10 Q. It looks like a driver's license, right?

11 MR. MIHET: Objection, form.

12 THE WITNESS: I would say yes.

13 MR. FORAN:

14 Q. All right. And you carried this on your
15 person when you entered NAF's annual meeting in 2014,
16 correct?

17 A. I don't know if I carried it then.

18 Q. All right. Well, have you possessed this
19 novelty piece that is reflected in Exhibit 415
20 previously? You had it on your person, right?

21 A. Correct.

22 Q. Okay. Where did you get it?

23 A. It was given to me by one of the team
24 members.

25 Q. Which team member?

1 A. David.

2 Q. All right. And what did he say?

3 A. What did he say?

4 Q. Yeah, when he gave it to you.

5 A. I don't know what he said when he gave it to
6 me.

7 Q. You have no recollection of anything that he
8 said in connection with him giving you this novelty
9 piece that's reflected in Exhibit 415?

10 A. Five years ago?

11 Q. Yeah.

12 A. Here.

13 Q. Okay. Anything else?

14 A. Probably but do I remember it? Can I state
15 it today from five years ago what he said? I would be
16 guessing.

17 Q. Just generally, do you have a general
18 recollection of what Mr. Daleiden told you when he
19 handed you the novelty piece that's reflected in
20 Exhibit Number 415?

21 A. Put this in your wallet.

22 Q. Anything else?

23 A. I don't think so.

24 Q. All right. Did he tell you where -- where he
25 got this?

1 A. No.

2 Q. Okay. Did you ask?

3 A. No.

4 Q. Did you have any questions of Mr. Daleiden
5 when he handed you the novelty piece that's reflected in
6 Exhibit Number 415?

7 A. Did I have any questions?

8 Q. Yeah.

9 A. Did I have any questions? I think at that
10 point in time, no.

11 Q. Did you use the novelty piece that is
12 reflected in Exhibit Number 415 -- did you use this
13 novelty piece to gain access to meetings of abortion
14 providers?

15 MR. MIHET: Objection, vague and ambiguous.

16 THE WITNESS: I don't have a clear memory of where
17 I used it, when I used it, if I had to use it. Wait, I
18 remember going to a front desk at a hotel where we were
19 registered and they asked -- the hotel clerk asked to
20 see it. I do remember that.

21 MR. FORAN:

22 Q. Did you present it to the hotel clerk?

23 A. I did.

24 Q. All right. But you don't have any
25 recollection as you sit here today of using this ID, of

1 presenting this ID in connection with gaining access to
2 meetings of abortion providers?

3 A. It would only be a guess, not a clear one.
4 It stands out in my mind the hotel clerk where we had
5 registered for a room. I do know that I used it then.
6 And could you restate where you're asking if I used it?

7 Q. Let me just ask you --

8 A. Sure.

9 Q. -- so -- okay. Let's get at it this way, you
10 see -- you see the number down at the bottom of the
11 document? That's a NAF Bates number, NAF 586. Do you
12 see that?

13 A. I do.

14 Q. I'll represent to you that NAF produced this
15 copy of this ID in discovery in Jujork's (phonetic)
16 litigation. Are you with me?

17 A. I'm with you.

18 Q. Okay. So NAF had a copy of your ID. And I'm
19 going to ask you again. Isn't it the case that you used
20 this ID and presented a copy of this ID to NAF in order
21 to gain access to its meetings?

22 MR. MIHET: Objection to the characterization --
23 the mischaracterization of the testimony, vague,
24 ambiguous, compound.

25 THE WITNESS: So to the best of my recollection I

1 remember it -- presenting it to a hotel clerk. If
2 you're telling me that NAF says that I did and they have
3 a copy of it I'm going to trust your -- what you're
4 telling me --

5 Q. Go ahead, sorry.

6 A. -- and it seems reasonable.

7 Q. All right. Again, what I say doesn't matter.
8 It's not evidence. I'm just asking you for your memory.
9 It sounds to me like you don't remember one way or the
10 other. Is that a fair statement?

11 A. It's a fair statement. I'm just looking at
12 what you're presenting and thinking it's reasonable
13 but -- your conclusion or what you're asking me so
14 I'm --

15 Q. Is there -- Ms. Merritt, do you have any
16 issues with your memory? Do you suffer from memory
17 lapse?

18 A. Is it as good as it used to be? I would have
19 to say, no, it's not as good as it used to be. I'm
20 almost 70 so, you know, if that answers the question.

21 Q. Do you suffer from memory lapse from time to
22 time? I don't mean to pry, I'm just wondering.

23 MR. MIHET: Objection.

24 THE WITNESS: I -- I think that in certain
25 situations I have to think through something a little

EXHIBIT 4

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 PLANNED PARENTHOOD FEDERATION
6 OF AMERICA, INC., et al.,

Case No.

6 3:16-cv-00236-WHO

7 Plaintiffs,

7 vs.

8 CENTER FOR MEDICAL PROGRESS,
9 et al.,

10 Defendants.

11 _____
12 ** CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER **
13

14 VIDEO-RECORDED DEPOSITION OF BRIANNA BAXTER

15 San Francisco, California

16 Saturday, May 11, 2019

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24

REPORTED BY:

CYNTHIA MANNING, CSR No. 7645, CLR, CCRR

25

JOB NO. 159681

Page 2	Page 3
<p>1 2 3 May 11, 2019 4 9:35 a.m. 5 6 7 8 Video deposition of BRIANNA BAXTER, held 9 at Arnold & Porter LLP, Three Embarcadero Center, 10 San Francisco, California, before Cynthia Manning, 11 Certified Shorthand Reporter No. 7645, Certified 12 LiveNote Reporter, California Certified Realtime 13 Reporter. 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S: 2 3 4 ARNOLD & PORTER 5 Attorneys for Plaintiffs 6 Three Embarcadero Center 7 San Francisco, CA 94111 8 BY: SHARON MAYO, ESQ. 9 10 11 MORRISON & FOERSTER 12 Attorneys for National Abortion Federation 13 425 Market Street 14 San Francisco, CA 94105 15 BY: SPENCER McMANUS, ESQ. 16 17 18 LAW OFFICES OF BENEDICT J. KOLLER 19 Attorneys for Brianna Baxter 20 586 North 1st Street 21 San Jose, CA 95112 22 BY: BENEDICT KOLLER, ESQ. 23 24 25</p>
<p>1 A P P E A R A N C E S (Continued): 2 3 4 MAYALL HURLEY 5 Attorneys for Defendant Troy Newman 6 2453 Grand Canal Boulevard 7 Stockton, CA 95207 8 BY: VLADIMIR KOZINA, ESQ. 9 (Telephonically) 10 11 12 Also present: 13 Marcus Majers, Videographer 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 SAN FRANCISCO, CALIFORNIA; 2 SATURDAY, MAY 11, 2018; 9:35 A.M. 3 4 5 THE VIDEOGRAPHER: Good morning. 6 This is the start of media labeled Number 1 7 of the recorded video deposition of Brianna Baxter, 8 in the matter of Planned Parenthood Federation of 9 American, Inc., et al., versus The Center for 10 Medical Progress, et al., in the United States 11 District Court, Northern District of California, San 12 Francisco Division. Case Number 3:16-CV-00236 WHO. 13 This deposition is being held at Arnold & 14 Porter, Three Embarcadero Center, 10th Floor, San 15 Francisco, California, on May 11th, 2019, at 16 approximately 9:35 a.m. 17 My name is Marcus Majers. I am the legal 18 video specialist from TSG Reporting, Inc., 19 headquartered at 747 Third Avenue, New York, New 20 York. 21 The court reporter is Cynthia Manning, in 22 association with TSG Reporting. 23 Will all counsel present please introduce 24 themselves. 25 MS. MAYO: Sharon Mayo, of Arnold & Porter,</p>

<p style="text-align: center;">Page 10</p> <p>1 opportunity to review your transcript after the 2 deposition is concluded and make any corrections to 3 it that you think are necessary; but I'll caution 4 you that if you make a major change, like changing a 5 "yes" to a "no," or something significant like that, 6 it will affect your credibility and I can comment on 7 that at trial.</p> <p>8 Do you understand that?</p> <p>9 A. Yes.</p> <p>10 Q. Are you taking any medication or drugs or 11 under the influence of anything that might impact 12 your ability to testify truthfully and honestly and 13 accurately today?</p> <p>14 A. No.</p> <p>15 Q. All right. Is there any other reason why 16 you can't give us your best, most accurate testimony 17 today?</p> <p>18 A. No.</p> <p>19 Q. What did you do to prepare for your 20 deposition?</p> <p>21 A. I met with my lawyer.</p> <p>22 MR. KOZINA: Excuse me for a second. 23 I cannot hear her answers at all. I hear 24 you wonderfully, but I do not hear her at all.</p> <p>25 MS. MAYO: Is that --</p>	<p style="text-align: center;">Page 11</p> <p>1 THE REPORTER: That's mine. This one is 2 mine.</p> <p>3 MS. MAYO: Ah. Okay.</p> <p>4 THE REPORTER: It has nothing to do with 5 the phone.</p> <p>6 MS. MAYO: Okay. Let's see if I can turn 7 up -- I don't know that there is anything I can do 8 on my end.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. I guess we'll just ask you to speak louder.</p> <p>11 A. Sorry.</p> <p>12 Q. Sorry.</p> <p>13 A. I tend to be quiet.</p> <p>14 Q. I think you said you met with your counsel 15 to prepare for your deposition today; is that 16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And when did you meet with him?</p> <p>19 MR. KOZINA: I still can't hear a word from 20 her. I hear you wonderfully, Sharon, but I don't 21 hear anything else.</p> <p>22 MS. MAYO: She had paused, so --</p> <p>23 MR. KOZINA: Oh, okay. Thank you.</p> <p>24 THE WITNESS: Twice this week and I think 25 maybe a few other times leading up to that.</p>
<p style="text-align: center;">Page 12</p> <p>1 BY MS. MAYO:</p> <p>2 Q. All right. Could you tell me approximately 3 how much time in total, in hours, that you spent 4 meeting with your counsel?</p> <p>5 A. I think maybe an hour total.</p> <p>6 Q. And did you review any documents that 7 refreshed your recollection of things that happened 8 a few years ago?</p> <p>9 A. No. No.</p> <p>10 Q. All right. And when you referred to your 11 counsel, you mean Mr. Koller sitting next to you; 12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you meet with anyone else?</p> <p>15 A. I spoke with another lawyer initially and 16 then Mr. Koller.</p> <p>17 Q. Who was the other lawyer?</p> <p>18 A. Katie Short.</p> <p>19 Q. All right. Was Katie Short representing 20 you at the time?</p> <p>21 MR. KOLLER: Answer to the best of your 22 ability.</p> <p>23 THE WITNESS: I'm not totally sure if she 24 was. 25 //</p>	<p style="text-align: center;">Page 13</p> <p>1 BY MS. MAYO:</p> <p>2 Q. Was the purpose of your discussion with 3 Ms. Short to get a referral to another lawyer?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Was anyone else present at your 6 conversation with your lawyer?</p> <p>7 A. No.</p> <p>8 Q. Have you spoken with any of the defendants 9 in this case about your deposition?</p> <p>10 MR. KOLLER: Objection; vague, ambiguous.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Have you spoken with David Daleiden about 13 your deposition?</p> <p>14 MR. KOLLER: Objection; vague and 15 ambiguous.</p> <p>16 And also, I advise her under her Fifth 17 Amendment rights not to testify to that as it might 18 incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert your Fifth 21 Amendment rights?</p> <p>22 A. Yes.</p> <p>23 MR. KOLLER: Speak up a little louder so 24 the other person can hear. 25 //</p>

Page 14	Page 15
<p>1 BY MS. MAYO:</p> <p>2 Q. Did you speak with Mr. Rhomberg about your</p> <p>3 deposition?</p> <p>4 MR. KOLLER: Objection; vague, ambiguous.</p> <p>5 Also, I'd advise my client to assert her</p> <p>6 Fifth Amendment rights.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert your Fifth</p> <p>9 Amendment rights in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. Did you speak with Adrian Lopez about your</p> <p>12 deposition?</p> <p>13 MR. KOLLER: I'd advise her again -- I</p> <p>14 think it's vague and ambiguous.</p> <p>15 I'd advise her under the Fifth Amendment</p> <p>16 right against self-incrimination not to answer that.</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Are you going to assert your Fifth</p> <p>19 Amendment right?</p> <p>20 A. Yes.</p> <p>21 Q. Did you speak with Troy Newman about your</p> <p>22 deposition?</p> <p>23 MR. KOLLER: Again, I would object as to</p> <p>24 vague and ambiguous.</p> <p>25 And also advise her not to testify on the</p>	<p>1 grounds that it may incriminate her pursuant to the</p> <p>2 Fifth Amendment to the United States Constitution.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert your Fifth</p> <p>5 Amendment right?</p> <p>6 A. Yes.</p> <p>7 Q. Did you speak with anyone else about your</p> <p>8 deposition today other than your counsel?</p> <p>9 A. My husband and parents.</p> <p>10 Q. All right.</p> <p>11 A. Just so they know where I am today,</p> <p>12 basically.</p> <p>13 Q. Okay. Have you reviewed the transcripts of</p> <p>14 any of the depositions that have been taken in this</p> <p>15 case?</p> <p>16 A. No.</p> <p>17 Q. Have you spoken with anyone else about this</p> <p>18 lawsuit?</p> <p>19 And by "this lawsuit," I mean the lawsuit</p> <p>20 in which your deposition is being taken, which is</p> <p>21 Planned Parenthood Federation of America and other</p> <p>22 Planned Parenthood affiliates versus Center for</p> <p>23 Medical Progress, BioMax, and the individuals that I</p> <p>24 just asked you about.</p> <p>25 MR. KOLLER: I'd object as to vague and</p>
<p>1 ambiguous.</p> <p>2 Also advise her not to answer that pursuant</p> <p>3 to the Fifth Amendment to the United States</p> <p>4 Constitution on the grounds it may incriminate her.</p> <p>5 BY MS. MAYO:</p> <p>6 Q. Are you going to assert your Fifth</p> <p>7 Amendment right in response to that question?</p> <p>8 A. Yes.</p> <p>9 Q. When was the last time you spoke with</p> <p>10 Mr. Daleiden?</p> <p>11 MR. KOLLER: Again, object as to vague and</p> <p>12 ambiguous.</p> <p>13 And advise her not to answer that question</p> <p>14 based on the right against self-incrimination</p> <p>15 pursuant to the Fifth Amendment.</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Are you going to assert your Fifth</p> <p>18 Amendment right in response to that question?</p> <p>19 A. Yes.</p> <p>20 Q. Did you bring anything with you today to</p> <p>21 assist in your testimony?</p> <p>22 A. No.</p> <p>23 Q. Have you ever given a deposition or</p> <p>24 testified in court?</p> <p>25 A. No.</p>	<p>1 Q. Have you ever been arrested?</p> <p>2 A. Yes.</p> <p>3 Q. When?</p> <p>4 A. I think it was five or six years ago.</p> <p>5 Q. And what was -- what were the circumstances</p> <p>6 of the arrest? What were you doing?</p> <p>7 MR. KOLLER: I'd object as to vague and</p> <p>8 ambiguous.</p> <p>9 But you may answer.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. Yeah, before you answer, one rule that I</p> <p>12 didn't go over is that your counsel is here today to</p> <p>13 assert objections, and unless he either instructs</p> <p>14 you not to answer, or, as he has done, recommended</p> <p>15 that you not answer based on the Fifth Amendment</p> <p>16 privilege, then I'm entitled to an answer from</p> <p>17 you --</p> <p>18 A. Okay.</p> <p>19 Q. -- to the extent you can understand my</p> <p>20 question.</p> <p>21 A. I was engaged in free-speech activities on</p> <p>22 a public sidewalk, and a police officer was upset</p> <p>23 and arrested me. And since then the charges have</p> <p>24 been dropped.</p> <p>25 Q. Okay. And where -- were you protesting in</p>

<p style="text-align: center;">Page 18</p> <p>1 front of a particular building or location?</p> <p>2 A. I was speaking with high school students on</p> <p>3 a public sidewalk in front of a high school.</p> <p>4 Q. And what was the subject of the protest?</p> <p>5 MR. KOLLER: I'd object as to vague and</p> <p>6 ambiguous.</p> <p>7 But you may answer.</p> <p>8 THE WITNESS: It wasn't a protest. We were</p> <p>9 distributing educational materials to students on</p> <p>10 issues of sexual health and sex education and life</p> <p>11 issues.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. And by "life issues," do you mean what is</p> <p>14 commonly known in the public as pro-life issues?</p> <p>15 MR. KOLLER: Objection; vague and</p> <p>16 ambiguous.</p> <p>17 But you may answer.</p> <p>18 THE WITNESS: I suppose so, from birth to</p> <p>19 natural death.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. I guess another way to ask the question is:</p> <p>22 What do you mean by you were handing out materials</p> <p>23 that related to life issues? What specifically?</p> <p>24 A. Like educational materials larger than a</p> <p>25 brochure, sort of like a packet.</p>	<p style="text-align: center;">Page 19</p> <p>1 Q. What was contained in the packet?</p> <p>2 A. It was really long ago. I can't remember</p> <p>3 exactly.</p> <p>4 Q. Were any of the materials related to the</p> <p>5 topic of abortion?</p> <p>6 MR. KOLLER: Objection; vague and</p> <p>7 ambiguous, calls for a legal conclusion.</p> <p>8 But you may answer.</p> <p>9 THE WITNESS: In part, yes.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. And in which part?</p> <p>12 MR. KOLLER: Objection; vague and</p> <p>13 ambiguous.</p> <p>14 But you may answer.</p> <p>15 THE WITNESS: What do you mean by "which</p> <p>16 part"?</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Well, you said "in part" they were about</p> <p>19 abortion, as I understood your testimony. So what</p> <p>20 do you mean by that?</p> <p>21 A. So they were concerning life issues, and</p> <p>22 that would include the issue of abortion. They were</p> <p>23 also about sexual health and sex education. So it</p> <p>24 was a varied amount of information on those topics.</p> <p>25 And I don't remember exactly what was in</p>
<p style="text-align: center;">Page 20</p> <p>1 the information, but I think I could assume abortion</p> <p>2 would be one of those topics falling under that</p> <p>3 umbrella.</p> <p>4 Q. And I think you testified that the charges</p> <p>5 were subsequently dropped?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. Have you ever been charged or convicted of</p> <p>8 a crime that involved lying?</p> <p>9 A. No.</p> <p>10 Q. Do you have any criminal convictions?</p> <p>11 A. No.</p> <p>12 Q. To your knowledge, have you ever been the</p> <p>13 subject of a civil or criminal investigation by the</p> <p>14 government?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Have you ever had a lawsuit filed against</p> <p>17 you?</p> <p>18 A. No.</p> <p>19 Q. Have you ever been a plaintiff in a</p> <p>20 lawsuit?</p> <p>21 A. No, not that I'm aware of.</p> <p>22 Q. Prior to today, have you ever asserted your</p> <p>23 rights under the Fifth Amendment in a deposition?</p> <p>24 MR. KOLLER: Objection; vague and</p> <p>25 ambiguous, calls for a legal conclusion.</p>	<p style="text-align: center;">Page 21</p> <p>1 But you can answer.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. To your knowledge, are you currently under</p> <p>5 investigation by any law enforcement agency?</p> <p>6 A. No.</p> <p>7 Q. To your knowledge, since 2015 have you --</p> <p>8 let me withdraw that.</p> <p>9 To your knowledge, since 2013 have you ever</p> <p>10 been under any investigation by a law enforcement</p> <p>11 agency?</p> <p>12 A. No.</p> <p>13 Q. Have you been called to testify in any</p> <p>14 federal or state grand jury proceedings?</p> <p>15 A. No.</p> <p>16 Q. Have you been called to testify in any</p> <p>17 criminal proceedings?</p> <p>18 A. No.</p> <p>19 MR. KOLLER: Objection; vague and</p> <p>20 ambiguous, relevance.</p> <p>21 But you may answer.</p> <p>22 THE WITNESS: No.</p> <p>23 MR. KOZINA: I'll also impose an objection</p> <p>24 on behalf of that last question because grand jury</p> <p>25 proceedings are supposed to be secret and you're</p>

<p style="text-align: right;">Page 22</p> <p>1 asking her to violate that. 2 BY MS. MAYO: 3 Q. Are you a defendant in any criminal 4 proceedings related to CMP? 5 MR. KOLLER: Objection; vague and 6 ambiguous, lacks foundation as to what "CMP" is. 7 So I would advise her not to answer that at 8 this time. 9 BY MS. MAYO: 10 Q. Let me rephrase the question. 11 You've heard of the Center for Medical 12 Progress? 13 A. Yes. 14 Q. And if I refer to that in shorthand as 15 "CMP," will you understand what I'm referring to? 16 A. Yes. 17 Q. Are you a defendant in any criminal 18 proceedings relating to CMP? 19 A. No. 20 Q. Have any criminal charges been filed 21 against you in connection with CMP? 22 MR. KOLLER: Objection; vague and 23 ambiguous, lack of foundation. 24 But if you know, you can answer. 25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 23</p> <p>1 BY MS. MAYO: 2 Q. Are you married? 3 A. Yes. 4 Q. Do you have any children? 5 A. Not born, but yes. 6 Q. Adopted? 7 A. Like, I'm pregnant right now. 8 Q. Oh. Okay. 9 Where did you attend high school? 10 A. Leigh High School. 11 Q. That's in San Jose? 12 A. Yes. 13 Q. And what year did you graduate? 14 A. 2011. 15 Q. Do you have any formal education beyond 16 high school? 17 A. Yes. 18 Q. What is that? 19 A. Bachelor's degree in microbiology. 20 Q. And where did you get that bachelor's 21 degree? 22 A. University of Idaho. 23 Q. What year? 24 A. 2017. 25 Q. Do you have any other formal education</p>
<p style="text-align: right;">Page 24</p> <p>1 beyond the University of Idaho? 2 MR. KOLLER: Objection; vague and 3 ambiguous. 4 But you may answer. 5 THE WITNESS: No. 6 BY MS. MAYO: 7 Q. Are you currently employed? 8 A. Yes. 9 Q. Where? 10 A. Valley Christian High School. 11 Q. How long have you been employed by Valley 12 Christian High School? 13 A. Two years. 14 Q. And what is your position there? 15 A. High school biology teacher. 16 Q. And prior to working at Valley Christian 17 High School, did you have any other employment? 18 MR. KOLLER: Objection; vague and ambiguous 19 as to time. 20 So I would instruct her -- if you can parse 21 that out a bit. 22 MS. MAYO: Sure. Sure. 23 BY MS. MAYO: 24 Q. What -- did you have any employment 25 immediately prior to becoming a teacher at Valley</p>	<p style="text-align: right;">Page 25</p> <p>1 Christian High School? 2 A. Yes. 3 Q. What was that employment? 4 A. I worked for a lab at University of Idaho 5 doing research. 6 Q. Was that while you were still in college at 7 the University of Idaho? 8 A. Yes. 9 Q. Did it continue after you graduated? 10 A. No. 11 Q. And what were your duties at the research 12 lab at the University of Idaho? 13 A. As part of some larger experiments, I 14 worked with chlamydia in different cell lines. I 15 ran several experiments that contributed to a paper. 16 Q. Is this a paper published by the University 17 of Idaho? 18 A. No. It was published by a separate 19 journal. 20 Q. And what was the title of the paper? 21 MR. KOLLER: I'd object as to relevance, 22 but I'll allow her to answer. 23 THE WITNESS: It's a super-interesting 24 paper and it's really great, but it's -- it's really 25 long and changed several times before publishing. I</p>

<p style="text-align: right;">Page 26</p> <p>1 think it's...</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Your best recollection is fine.</p> <p>4 A. I think it's something along the lines of</p> <p>5 Chlamydial Infectious Body Infectivity or -- like --</p> <p>6 it changed a lot of times. They had a lot of issues</p> <p>7 with the title.</p> <p>8 Q. What year was it published?</p> <p>9 A. May of last year.</p> <p>10 Q. May 2018?</p> <p>11 A. In the Journal of Bacteriology.</p> <p>12 Q. And did you have any -- how long were you</p> <p>13 employed at the research lab at University of Idaho?</p> <p>14 Over what time period?</p> <p>15 A. I was employed for one year at the lab.</p> <p>16 Q. Did you work in the lab not as an employee</p> <p>17 prior to that?</p> <p>18 A. Yes. I was a student in the lab prior to</p> <p>19 that for course credit.</p> <p>20 Q. And did you have any employment prior to</p> <p>21 working at the research lab at University of Idaho?</p> <p>22 MR. KOLLER: Again, vague as to time.</p> <p>23 Objection.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Immediately prior to the University of</p>	<p style="text-align: right;">Page 27</p> <p>1 Idaho research lab position.</p> <p>2 A. I think prior to that I had several various</p> <p>3 nannying and babysitting jobs.</p> <p>4 Q. Do you agree that abortion is legal in the</p> <p>5 United States?</p> <p>6 MR. KOLLER: Objection; vague and</p> <p>7 ambiguous.</p> <p>8 But you may answer.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. Do you engage in any activities to prevent</p> <p>12 people from getting abortions?</p> <p>13 MR. KOLLER: Objection; vague and</p> <p>14 ambiguous.</p> <p>15 And I'd advise her not to answer on the</p> <p>16 grounds it may incriminate her pursuant to the Fifth</p> <p>17 Amendment.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. And are you going to assert your Fifth</p> <p>20 Amendment right not to answer that question?</p> <p>21 A. Yes.</p> <p>22 Q. Do you engage in any activities to limit</p> <p>23 resources for abortion providers --</p> <p>24 MR. KOLLER: I --</p> <p>25 //</p>
<p style="text-align: right;">Page 28</p> <p>1 BY MS. MAYO:</p> <p>2 Q. -- like Planned Parenthood?</p> <p>3 MR. KOLLER: Sorry.</p> <p>4 MS. MAYO: It's okay.</p> <p>5 MR. KOLLER: It's a habit I have of</p> <p>6 interrupting. I apologize.</p> <p>7 But I would object as to vague and</p> <p>8 ambiguous.</p> <p>9 And again, advise my client not to testify</p> <p>10 or answer that question based on her right against</p> <p>11 self-incrimination.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. And are you going to follow your counsel's</p> <p>14 instruction?</p> <p>15 A. Yes.</p> <p>16 MR. KOLLER: I will try and wait. Just</p> <p>17 like you've asked the client -- my client to wait,</p> <p>18 I'll try and wait until you're done.</p> <p>19 MS. MAYO: I appreciate that. Sometimes --</p> <p>20 MR. KOLLER: Again, I'm sorry.</p> <p>21 MS. MAYO: Sometimes in these depositions</p> <p>22 people talk over one another and it's a little</p> <p>23 frustrating.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. What are your views on women who choose to</p>	<p style="text-align: right;">Page 29</p> <p>1 get abortions?</p> <p>2 MR. KOLLER: Objection; vague and</p> <p>3 ambiguous.</p> <p>4 And I'd advise her not to testify on the</p> <p>5 grounds that it might incriminate her pursuant to</p> <p>6 the Fifth Amendment.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert your Fifth</p> <p>9 Amendment right not to respond to that question?</p> <p>10 A. Yes.</p> <p>11 Q. Do you work to prevent doctors from</p> <p>12 performing abortions?</p> <p>13 MR. KOLLER: Objection; vague and</p> <p>14 ambiguous.</p> <p>15 And I would advise her under the Fifth</p> <p>16 Amendment right against self-incrimination not to</p> <p>17 answer that question.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert your Fifth</p> <p>20 Amendment right not to respond to that question?</p> <p>21 A. Yes.</p> <p>22 Q. What are your views on doctors who perform</p> <p>23 abortions?</p> <p>24 MR. KOLLER: Again, advise her not to</p> <p>25 testify on the grounds that it might incriminate her</p>

<p style="text-align: center;">Page 30</p> <p>1 pursuant to the Fifth Amendment. 2 It's also vague and ambiguous. 3 BY MS. MAYO: 4 Q. Are you going to assert your Fifth 5 Amendment right not to respond to that question? 6 A. Yes. 7 Q. What do you think should happen to doctors 8 who perform abortions? 9 MR. KOLLER: Objection; relevance, vague 10 and ambiguous. 11 And I would advise my client not to answer 12 that on the grounds it might incriminate her 13 pursuant to the Fifth Amendment. 14 BY MS. MAYO: 15 Q. Are you going to assert your Fifth 16 Amendment right not to respond to that question? 17 A. Yes. 18 Q. Now, because of your views on abortion, 19 you've become involved in activities to oppose 20 abortion; is that correct? 21 MR. KOLLER: Objection; vague, ambiguous, 22 assumes facts not in evidence. 23 And I advise my client not to answer that 24 on the Fifth Amendment grounds that it might 25 incriminate her.</p>	<p style="text-align: center;">Page 31</p> <p>1 BY MS. MAYO: 2 Q. Are you going to assert your Fifth 3 Amendment right not to respond to that yes? 4 A. Yes. 5 Q. Would you describe yourself as an 6 anti-abortion activist? 7 MR. KOLLER: Objection; vague and 8 ambiguous. 9 Advise my client not to answer that on the 10 grounds that it might incriminate her pursuant to 11 the Fifth Amendment. 12 BY MS. MAYO: 13 Q. Are you going to assert your Fifth 14 Amendment right not to respond to that question? 15 A. Yes. 16 Q. You are a pro-life activist; is that 17 correct? 18 MR. KOLLER: Objection as to the term 19 "activist." It's vague and ambiguous, assumes facts 20 not in evidence. 21 And I would advise my client not to answer 22 that on the grounds it might incriminate her. 23 BY MS. MAYO: 24 Q. Are you going to assert your Fifth 25 Amendment right in response to that question?</p>
<p style="text-align: center;">Page 32</p> <p>1 A. Yes. 2 Q. Do you belong to groups with anti-abortion 3 views? 4 MR. KOLLER: Objection; vague and 5 ambiguous, calls for a legal conclusion. 6 But I will let her answer that. 7 THE WITNESS: No. 8 BY MS. MAYO: 9 Q. When you were in -- attending Leigh High 10 School, did you form a pro-life group at the high 11 school? 12 MR. KOLLER: Objection; vague and 13 ambiguous. 14 Ask my -- advise my client not to answer 15 that on the grounds it might incriminate her 16 pursuant to the Fifth Amendment. 17 BY MS. MAYO: 18 Q. Are you going to assert your Fifth 19 Amendment right not to respond to that question? 20 A. Yes. 21 Q. In fact, when you were a senior at Leigh 22 High School you were the president of a pro-life 23 club on campus; correct? 24 MR. KOLLER: Objection; assumes facts not 25 in evidence, vague and ambiguous.</p>	<p style="text-align: center;">Page 33</p> <p>1 Advise my client not to answer that on the 2 grounds it might incriminate her. 3 BY MS. MAYO: 4 Q. Are you going to assert your Fifth 5 Amendment right not to respond to that question? 6 A. Yes. 7 Q. Why did you form a pro-life club at Leigh 8 High School? 9 MR. KOLLER: Objection; assumes facts not 10 in evidence, vague and ambiguous. 11 Advise my client not to the answer that on 12 the grounds it might incriminate her. 13 BY MS. MAYO: 14 Q. Are you going to assert your Fifth 15 Amendment right not to respond to that question? 16 A. Yes. 17 Q. The pro-life club at Leigh High School that 18 you were the president of was affiliated with the 19 group Live Action; correct? 20 MR. KOLLER: Objection; assumes facts not 21 in evidence, vague and ambiguous. 22 Advise my client not to answer that on the 23 grounds it might incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert your Fifth</p>

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<p>1 Amendment right not to respond to that question?</p> <p>2 A. Yes.</p> <p>3 Q. You've heard of the group Live Action;</p> <p>4 correct?</p> <p>5 MR. KOLLER: Vague and ambiguous.</p> <p>6 But I'll allow you to answer that.</p> <p>7 THE WITNESS: I've heard of them, yes.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Have you done any work with Live Action</p> <p>10 since high school?</p> <p>11 MR. KOLLER: Objection; vague and</p> <p>12 ambiguous, assumes facts not in evidence.</p> <p>13 And I'd advise my client not to answer that</p> <p>14 on the grounds it might incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert your Fifth</p> <p>17 Amendment right in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Have you participated in any Live Action</p> <p>20 activities?</p> <p>21 MR. KOLLER: Objection; vague and</p> <p>22 ambiguous.</p> <p>23 Advise my client not to answer that on the</p> <p>24 grounds it might incriminate her.</p> <p>25 //</p>	<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert your Fifth</p> <p>3 Amendment right in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. You've worked with the Survivors of the</p> <p>6 Abortion Holocaust, haven't you?</p> <p>7 MR. KOLLER: Objection; assumes facts not</p> <p>8 in evidence, vague and ambiguous.</p> <p>9 I'd advise my client not to answer that on</p> <p>10 the grounds it might incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert your Fifth</p> <p>13 Amendment right in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. The Survivors of the Abortion Holocaust</p> <p>16 hold a bootcamp every year to train youth; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not</p> <p>18 in evidence, vague and ambiguous.</p> <p>19 I'd advise my client not to answer that on</p> <p>20 the grounds it might incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert your Fifth</p> <p>23 Amendment right in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. The Survivors of the Abortion Holocaust are</p>
<p>1 often referred to as "the marines" of the pro-life</p> <p>2 movement because of their reputation for being boots</p> <p>3 on the ground on the front lines of the battle to</p> <p>4 save the preborn babies of America"; isn't that</p> <p>5 correct?</p> <p>6 MR. KOLLER: Objection; vague and</p> <p>7 ambiguous, assumes facts not in evidence, lacks</p> <p>8 foundation.</p> <p>9 I advise my client not to answer that on</p> <p>10 the grounds it might incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert your Fifth</p> <p>13 Amendment right not to respond to that question?</p> <p>14 A. Yes.</p> <p>15 Q. Have you attended the bootcamp put on every</p> <p>16 summer or every year by the Survivors of the</p> <p>17 Abortion Holocaust?</p> <p>18 MR. KOLLER: Objection; vague and</p> <p>19 ambiguous.</p> <p>20 Advise my client not to answer that on the</p> <p>21 grounds it might incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert your Fifth</p> <p>24 Amendment right in response to that question?</p> <p>25 A. Yes.</p>	<p>1 Q. You worked with the Survivors of the</p> <p>2 Abortion Holocaust's Campus Outreach program;</p> <p>3 correct?</p> <p>4 MR. KOLLER: Objection; vague and</p> <p>5 ambiguous, assumes facts not in evidence.</p> <p>6 I advise my client not to answer that on</p> <p>7 the grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth</p> <p>10 Amendment right not to respond to that question?</p> <p>11 A. Yes.</p> <p>12 MS. MAYO: Let's go ahead and mark as</p> <p>13 Exhibit 531 a blog post from the Survivors of the</p> <p>14 Abortion Holocaust website from June 12, 2015.</p> <p>15 (Deposition Exhibit 531 was marked for</p> <p>16 identification)</p> <p>17 MR. KOLLER: If I could have a moment to</p> <p>18 review it.</p> <p>19 MS. MAYO: Absolutely.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. And, Ms. Baxter, you can look at that --</p> <p>22 MR. KOLLER: Oh, okay.</p> <p>23 THE WITNESS: Thanks.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. -- one or over at the other one if you</p>

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<p>1 want.</p> <p>2 A. (Reviewing document.)</p> <p>3 Q. Ms. Baxter, have you seen this blog post</p> <p>4 before?</p> <p>5 A. No.</p> <p>6 Q. There is a quote attributed to a Brianna</p> <p>7 Baxter that says:</p> <p>8 "When I graduated high school, I had no</p> <p>9 idea what I wanted to do with my life. I</p> <p>10 signed up for Campus Outreach because it</p> <p>11 seemed like the best opportunity I had to</p> <p>12 fight injustice. And it was, every day."</p> <p>13 Did you give that quote to the Survivors</p> <p>14 blog to use?</p> <p>15 MR. KOLLER: Objection; vague and</p> <p>16 ambiguous.</p> <p>17 But you may answer.</p> <p>18 THE WITNESS: Honestly, I don't remember</p> <p>19 giving that quote.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Did you sign up for something called Campus</p> <p>22 Outreach?</p> <p>23 MR. KOLLER: Objection; vague and</p> <p>24 ambiguous.</p> <p>25 I advise my client not to answer on the</p>	<p>1 grounds it might incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert your Fifth</p> <p>4 Amendment right in response to that question?</p> <p>5 A. Yes.</p> <p>6 Q. Was Campus Outreach the best opportunity</p> <p>7 you had to fight injustice?</p> <p>8 MR. KOLLER: Objection; vague and</p> <p>9 ambiguous, assumes facts not in evidence.</p> <p>10 I advise my client not to answer on the</p> <p>11 grounds it might incriminate her.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. Are you going to assert your Fifth</p> <p>14 Amendment right not to respond to that question?</p> <p>15 A. Yes.</p> <p>16 Q. The injustice that you were fighting was</p> <p>17 abortion; isn't that correct?</p> <p>18 MR. KOLLER: Objection; vague and</p> <p>19 ambiguous, assumes facts not in evidence.</p> <p>20 Advise my client not to answer on the</p> <p>21 grounds it might incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert your Fifth</p> <p>24 Amendment right not to respond to that question?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">Page 40</p> <p>1 Q. What organized anti-abortion activities</p> <p>2 have you participated in?</p> <p>3 MR. KOLLER: Objection; vague and</p> <p>4 ambiguous, vague as to time.</p> <p>5 Maybe if you can put a time on it we can --</p> <p>6 MS. MAYO: Sure.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. The 2013 to 2015 time period.</p> <p>9 MR. KOLLER: I would advise my client not</p> <p>10 to answer that on the grounds it might incriminate</p> <p>11 her.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. Are you going to assert your Fifth</p> <p>14 Amendment right not to respond to that question?</p> <p>15 A. Yes.</p> <p>16 Q. Have you called or e-mailed or in any way</p> <p>17 communicated with doctors who perform abortions?</p> <p>18 MR. KOLLER: Objection; vague and</p> <p>19 ambiguous.</p> <p>20 I advise my client not to answer that on</p> <p>21 the grounds it might incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert your Fifth</p> <p>24 Amendment right not to respond to that question?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 41</p> <p>1 Q. Have you protested at healthcare centers</p> <p>2 where abortions are performed?</p> <p>3 MR. KOLLER: Objection; vague and</p> <p>4 ambiguous, calls for a legal conclusion.</p> <p>5 I advise my client not to answer that on</p> <p>6 the grounds it might incriminate her.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert your Fifth</p> <p>9 Amendment right not to respond to that question?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know David Daleiden?</p> <p>12 MR. KOLLER: I advise my client not to</p> <p>13 answer that on the grounds it might incriminate her.</p> <p>14 BY MS. MAYO:</p> <p>15 Q. Are you going to assert your Fifth</p> <p>16 Amendment right not to respond to that question?</p> <p>17 A. Yes.</p> <p>18 Q. You first met Mr. Daleiden in 2013;</p> <p>19 correct?</p> <p>20 MR. KOLLER: Objection; assumes facts not</p> <p>21 in evidence, vague and ambiguous.</p> <p>22 Advise my client not to answer that on the</p> <p>23 grounds it might incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. And are you going to assert your Fifth</p>

<p style="text-align: center;">Page 42</p> <p>1 Amendment right not to respond to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Where did you meet Mr. Daleiden?</p> <p>4 MR. KOLLER: Objection; assumes facts not 5 in evidence, vague and ambiguous. 6 Advise my client not to answer that on the 7 grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth 10 Amendment right not to respond to that question?</p> <p>11 A. Yes.</p> <p>12 Q. What were the circumstances of your first 13 meeting with Mr. Daleiden?</p> <p>14 MR. KOLLER: Objection; assumes facts, 15 vague and ambiguous. 16 Advise my client not to answer on the 17 grounds it might incriminate her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert your Fifth 20 Amendment right in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. Mr. Daleiden approached you about working 23 on an undercover video project sometime in 2013; is 24 that correct?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>	<p style="text-align: center;">Page 43</p> <p>1 in evidence, vague and ambiguous. 2 I advise my client not to answer on the 3 grounds it might incriminate her.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert your Fifth 6 Amendment right not to respond to that question?</p> <p>7 A. Yes.</p> <p>8 Q. Mr. Daleiden approached you in person about 9 participating in the undercover video project in 10 2013; is that correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous. 13 I would advise my client not to answer on 14 the grounds it might incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert your Fifth 17 Amendment right in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. When you met Mr. Daleiden, he asked you to 20 participate in his undercover video project; is that 21 correct?</p> <p>22 MR. KOLLER: Objection; vague and 23 ambiguous, assumes facts not in evidence. 24 Advise my client not to answer that on the 25 grounds it might incriminate her.</p>
<p style="text-align: center;">Page 44</p> <p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert your Fifth 3 Amendment right in response to that question?</p> <p>4 A. Yes.</p> <p>5 MS. MAYO: Let's mark as Exhibit 532 a 6 document with beginning Bates number CM00044. It's 7 an August 21st, 2013, e-mail from David Daleiden. 8 (Deposition Exhibit 532 was marked for 9 identification)</p> <p>10 THE WITNESS: (Reviewing document.)</p> <p>11 MR. KOLLER: Just look up when you're 12 ready.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Ms. Baxter, have you seen the e-mail and 15 attachment that have been marked as Exhibit 532 16 before --</p> <p>17 MR. KOLLER: Object as to --</p> <p>18 BY MS. MAYO:</p> <p>19 Q. -- today?</p> <p>20 MR. KOLLER: Sorry. Vague and ambiguous as 21 to time. I mean, obviously she has just seen it 22 now. Do you mean prior to today?</p> <p>23 MS. MAYO: That was the end of my question.</p> <p>24 MR. KOLLER: Oh, I knew it.</p> <p>25 MS. MAYO: I said "before today."</p>	<p style="text-align: center;">Page 45</p> <p>1 MR. KOLLER: Objection; vague and 2 ambiguous. 3 Advise my client not to answer that on the 4 grounds it might incriminate her.</p> <p>5 Sorry.</p> <p>6 MS. MAYO: That's okay.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert your right under 9 the Fifth Amendment in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. According to Exhibit 532, Mr. Daleiden met 12 with you last night, and the date of this e-mail is 13 August 21st, 2013, which I take to mean that you met 14 Mr. Daleiden on August 20th, 2013; is that correct?</p> <p>15 MR. KOLLER: Objection; assumes facts not 16 in evidence, vague and ambiguous. 17 I advise my client not to answer on the 18 grounds it might incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert your Fifth 21 Amendment right in response to that question?</p> <p>22 A. Yes.</p> <p>23 Q. You spoke with Mr. Daleiden on August 20th, 24 2013, about his undercover video project; correct?</p> <p>25 MR. KOLLER: Objection; vague and</p>

<p style="text-align: center;">Page 46</p> <p>1 ambiguous, assumes facts not in evidence. 2 I'd advise my client not to answer on the 3 grounds it might incriminate her.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert your right under 6 the Fifth Amendment in response to that question?</p> <p>7 A. Yes.</p> <p>8 Q. In Mr. Daleiden's e-mail he includes a 9 couple of links. Did you review the information at 10 those links?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous.</p> <p>13 I'd advise my client not to answer that on 14 the grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert your right under 17 the Fifth Amendment not to respond to that question?</p> <p>18 A. Yes.</p> <p>19 Q. He states: 20 "For an example of the altruistic 21 justification for your dirty work, see this 22 presentation by Dr. Aileen Anderson of U.C. 23 Irvine on her neural stem cell research." 24 What "dirty work" was Mr. Daleiden asking 25 you to perform?</p>	<p style="text-align: center;">Page 47</p> <p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, vague and ambiguous. 3 Advise my client not to answer on the 4 grounds it might incriminate her.</p> <p>5 BY MS. MAYO:</p> <p>6 Q. Are you going to assert your Fifth 7 Amendment right in response to that question?</p> <p>8 A. Yes.</p> <p>9 Q. The "dirty work" that Mr. Daleiden was 10 referring to in that paragraph was going undercover 11 at gatherings of abortion providers and videotaping 12 them; correct?</p> <p>13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous.</p> <p>15 I'd advise my client not to answer on the 16 grounds it might incriminate her.</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Are you going to assert your Fifth 19 Amendment right in response to that question?</p> <p>20 A. Yes.</p> <p>21 Q. And Mr. Daleiden was providing to you an 22 altruistic justification for that "dirty work" 23 because what he was proposing was against the law; 24 correct?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>
<p style="text-align: center;">Page 48</p> <p>1 in evidence, vague and ambiguous, calls for a legal 2 conclusion.</p> <p>3 I'd advise my client not to testify on the 4 grounds it might incriminate her.</p> <p>5 BY MS. MAYO:</p> <p>6 Q. Are you going to assert your Fifth 7 Amendment right in response to that question?</p> <p>8 A. Yes.</p> <p>9 Q. And Mr. Daleiden was providing to you an 10 "altruistic justification for your dirty work" 11 because what he was asking you to do involved lying 12 to doctors; correct?</p> <p>13 MR. KOLLER: Objection; vague and 14 ambiguous, assumes facts not in evidence.</p> <p>15 I'd ask -- advise my client not to testify 16 or answer that on the grounds it might incriminate 17 her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert your Fifth 20 Amendment right in response to that question?</p> <p>21 A. Yes.</p> <p>22 THE WITNESS: Can we pause for a moment so 23 I can discuss something with my lawyer?</p> <p>24 MS. MAYO: We can take a -- there isn't a 25 question pending so, yes, you can.</p>	<p style="text-align: center;">Page 49</p> <p>1 MR. KOLLER: Okay. Thank you.</p> <p>2 MS. MAYO: Watch your mic.</p> <p>3 THE VIDEOGRAPHER: Don't forget your mic.</p> <p>4 This marks the end of media file labeled</p> <p>5 Number 1. Off the record at 10:21 a.m.</p> <p>6 (Recess taken)</p> <p>7 THE VIDEOGRAPHER: This marks the beginning</p> <p>8 of media file labeled Number 2. Back on the record</p> <p>9 at 10:26 a.m.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. Ms. Baxter, was your e-mail address in 12 August of 2013 briannabaxter497@gmail.com?</p> <p>13 MR. KOLLER: Objection; assumes facts not 14 in evidence.</p> <p>15 I'd advise my client not to answer on the 16 grounds it might incriminate her.</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Ms. Baxter, are you going to assert your 19 Fifth Amendment right not to respond to that 20 question?</p> <p>21 A. Yes.</p> <p>22 Q. Mr. Daleiden copied Anna Bettisworth on the 23 e-mail that is on Exhibit 532. Who is 24 Ms. Bettisworth?</p> <p>25 MR. KOLLER: Objection; vague and</p>

Page 50	Page 51
<p>1 ambiguous, assumes facts not in evidence. 2 I'd advise my client not to answer that on 3 the grounds it might incriminate her.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert your Fifth 6 Amendment right not to respond to that question? 7 A. Yes.</p> <p>8 Q. And you met Ms. Bettisworth -- or met with 9 Ms. Bettisworth the night before this e-mail was 10 sent; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous.</p> <p>13 I'd advise my client not to answer on the 14 grounds it might incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert your Fifth 17 Amendment right in response to that question? 18 A. Yes.</p> <p>19 Q. And Ms. Bettisworth was working with 20 Mr. Daleiden at that time; correct?</p> <p>21 MR. KOLLER: Objection; assumes facts not 22 in evidence, lacks foundation, vague and ambiguous.</p> <p>23 I'd advise my client not to answer on the 24 grounds it might incriminate her.</p> <p>25 //</p>	<p>1 BY MS. MAYO: 2 Q. Are you going to assert your Fifth 3 Amendment right in response to that question? 4 A. Yes.</p> <p>5 Q. Mr. Daleiden attached an Individual 6 Nondisclosure Agreement to this e-mail. You signed 7 this nondisclosure agreement; correct?</p> <p>8 MR. KOLLER: Objection; vague and 9 ambiguous, assumes facts not in evidence.</p> <p>10 I'd advise my client not to answer on the 11 grounds it might incriminate her.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. Are you going to assert your Fifth 14 Amendment right in response to that question? 15 A. Yes.</p> <p>16 Q. And you signed the Individual Nondisclosure 17 Agreement with Mr. Daleiden so that he would provide 18 you with more information regarding his undercover 19 video project; is that correct?</p> <p>20 MR. KOLLER: Objection; assumes facts not 21 in evidence, vague and ambiguous.</p> <p>22 I'd advise my client not to answer that on 23 the grounds it might incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Are you going to assert your Fifth</p>
<p>1 Amendment right in response to that question? 2 A. Yes.</p> <p>3 Q. In the second paragraph of Mr. Daleiden's 4 e-mail, Exhibit 532, he says: 5 "Pay special attention to the Order Forms 6 (page 3), Tissue Logs (page 5), and Clinic 7 Protocols/Consent (page 7), as those are 8 things your character should be familiar 9 with."</p> <p>10 By "your character," Mr. Daleiden was 11 referring to a character that you were going to play 12 in a series of underground video projects; correct?</p> <p>13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous.</p> <p>15 I'd advise my client not to answer on the 16 grounds it might incriminate her.</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Are you going to assert your Fifth 19 Amendment right in response to that question? 20 A. Yes.</p> <p>21 Q. The character that Mr. Daleiden was 22 referring to in Exhibit 532 is -- ultimately, was 23 the character Brianna Allen; correct?</p> <p>24 MR. KOLLER: Objection; assumes facts not 25 in evidence, vague and ambiguous.</p>	<p>1 I'd advise my client not to answer on the 2 grounds it might incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert your Fifth 5 Amendment right in response to that question? 6 A. Yes.</p> <p>7 Q. After you signed the NDA, Mr. Daleiden 8 provided you with more information regarding his 9 undercover project to secretly videotape abortion 10 providers; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous.</p> <p>13 I'd advise my client not to answer on the 14 grounds it might incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert your Fifth 17 Amendment right in response to that question? 18 A. Yes.</p> <p>19 Q. Mr. Daleiden explained to you that one 20 purpose of his undercover video project was to 21 attack Planned Parenthood and accuse them of selling 22 baby body parts; is that correct?</p> <p>23 MR. KOLLER: Objection; assumes, vague and 24 ambiguous.</p> <p>25 I'd advise my client not to answer on the</p>

<p style="text-align: center;">Page 54</p> <p>1 grounds it might incriminate her. 2 BY MS. MAYO: 3 Q. Are you going to assert your Fifth 4 Amendment right in response to that question? 5 A. Yes. 6 Q. And Anna Bettsworth, who is copied on this 7 e-mail, was going to play the role of someone named 8 Rebecca Wagner; is that correct? 9 MR. KOLLER: Objection; assumes facts not 10 in evidence, vague and ambiguous. 11 I'd advise my client not to answer on the 12 grounds it might incriminate her. 13 BY MS. MAYO: 14 Q. Are you going to assert your Fifth 15 Amendment right in response to that question? 16 A. Yes. 17 Q. What is your understanding of a 18 nondisclosure agreement? 19 MR. KOLLER: Objection; vague and 20 ambiguous. 21 But I'll allow her to answer. 22 THE WITNESS: It would be an agreement to 23 not disclose information. 24 BY MS. MAYO: 25 Q. Did you have an attorney review this</p>	<p style="text-align: center;">Page 55</p> <p>1 nondisclosure agreement prior to signing it? 2 MR. KOLLER: Objection; vague and 3 ambiguous, assumes facts not in evidence. 4 I'd advise my client not to answer on the 5 grounds it might incriminate her. 6 BY MS. MAYO: 7 Q. Are you going to assert your Fifth 8 Amendment right in response to this question? 9 A. Yes. 10 Q. You have a general understanding that a 11 nondisclosure agreement is a contract; correct? 12 MR. KOLLER: Objection; vague and 13 ambiguous, calls for a legal conclusion. 14 But you can answer it if you can. 15 THE WITNESS: Generally, yes. 16 BY MS. MAYO: 17 Q. Is it also your understanding that if you 18 break a nondisclosure agreement that you can be sued 19 by the other party? 20 MR. KOLLER: Objection; vague and 21 ambiguous, assumes facts not in evidence. But -- 22 and calls for a legal conclusion. 23 But you can answer it. 24 THE WITNESS: Yeah, I think so. 25 //</p>
<p style="text-align: center;">Page 56</p> <p>1 BY MS. MAYO: 2 Q. Do you believe that people should sign 3 nondisclosure agreements if they do not intend to be 4 bound by their terms? 5 MR. KOLLER: Objection; vague and 6 ambiguous. 7 But you can answer. 8 THE WITNESS: Could you repeat the 9 question? 10 BY MS. MAYO: 11 Q. Sure. I'll rephrase it a little bit. I'll 12 clarify it a little bit more. 13 Do you think people should sign 14 nondisclosure agreements if they don't intend to 15 follow that contract, follow that agreement? 16 MR. KOLLER: Objection; vague and 17 ambiguous, relevance. 18 But you can answer if you can. 19 THE WITNESS: I would say that probably 20 wouldn't be a good idea to sign it if you're not 21 going to follow it. 22 BY MS. MAYO: 23 Q. When did you agree to be part of 24 Mr. Daleiden's project? 25 MR. KOLLER: Objection; assumes facts not</p>	<p style="text-align: center;">Page 57</p> <p>1 in evidence, vague and ambiguous, lacks foundation. 2 I'd advise my client not to answer on the 3 grounds it might incriminate her. 4 BY MS. MAYO: 5 Q. Are you going to assert your Fifth 6 Amendment right in response to that question? 7 A. Yes. 8 Q. You agreed to be part of Mr. Daleiden's 9 undercover video project in order to put your 10 anti-abortion beliefs into action; correct? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous. 13 I'd advise my client not to answer on the 14 grounds it might incriminate her. 15 BY MS. MAYO: 16 Q. Are you going to assert your Fifth 17 Amendment right in response to that question? 18 A. Yes. 19 Q. What is the Center for Medical Progress? 20 MR. KOLLER: Objection; lacks foundation, 21 vague and ambiguous. 22 You can answer if you can. 23 THE WITNESS: Could you clarify the 24 question? 25 //</p>

<p style="text-align: center;">Page 58</p> <p>1 BY MS. MAYO: 2 Q. Sure. 3 You've heard of the Center for Medical 4 Progress; correct? 5 A. Yes. 6 Q. What do you know about it? 7 MR. KOLLER: Objection; vague and 8 ambiguous, lacks foundation. 9 But you can answer if you can. 10 THE WITNESS: It's an organization that 11 works towards medical progress. 12 BY MS. MAYO: 13 Q. What do you mean it "works toward medical 14 progress"? 15 MR. KOLLER: Objection; asked and answered. 16 But you can follow up. 17 THE WITNESS: I'm not really sure exactly 18 what they do, but that's -- just based on their 19 name, that's what I would assume. 20 BY MS. MAYO: 21 Q. When did you first hear about the Center 22 for Medical Progress? 23 MR. KOLLER: Objection; vague and 24 ambiguous, lacks foundation. 25 Advise my client not to answer that on the</p>	<p style="text-align: center;">Page 59</p> <p>1 grounds it might incriminate her. 2 BY MS. MAYO: 3 Q. Are you going to assert your Fifth 4 Amendment right in response to that question? 5 A. Yes. 6 Q. The Center for Medical Progress was formed 7 by David Daleiden; correct? 8 MR. KOLLER: Objection; lacks foundation. 9 I advise my client not to answer that on 10 the grounds it might incriminate her. 11 BY MS. MAYO: 12 Q. Are you going to assert your Fifth 13 Amendment right in response to that question? 14 A. Yes. 15 Q. Were you involved in the creation of the 16 Center for Medical Progress? 17 MR. KOLLER: Objection; vague and 18 ambiguous, lacks foundation. 19 Ask my client not to answer that on the 20 grounds it might incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert your Fifth 23 Amendment right in response to that question? 24 A. Yes. 25 Q. Were you at any time employed by the Center</p>
<p style="text-align: center;">Page 60</p> <p>1 for Medical Progress? 2 MR. KOLLER: Objection. 3 I'd advise my client not to answer that on 4 the grounds it might incriminate her. 5 BY MS. MAYO: 6 Q. Are you going -- 7 MR. KOLLER: Vague and ambiguous as well. 8 MS. MAYO: My turn to apologize for 9 speaking over you. 10 BY MS. MAYO: 11 Q. Are you going to assert your Fifth 12 Amendment right in response to that question? 13 A. Yes. 14 Q. CMP holds itself out to be a nonprofit 15 organization; correct? 16 MR. KOLLER: Objection; assumes facts not 17 in evidence, vague and ambiguous, calls for a legal 18 conclusion. 19 Advise my client not to answer that on the 20 grounds it might incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert your Fifth 23 Amendment right in response to that question? 24 A. Yes. 25 Q. Have you ever solicited donations to CMP?</p>	<p style="text-align: center;">Page 61</p> <p>1 MR. KOLLER: Objection; vague and 2 ambiguous. 3 Advise my client not to answer that on the 4 grounds it might incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert your Fifth 7 Amendment right in response to that question? 8 A. Yes. 9 Q. The Center for Medical Progress is an 10 organization that released videotapes that attacked 11 Planned Parenthood and accused Planned Parenthood of 12 selling baby body parts; correct? 13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous. 15 I'd advise my client not to answer that on 16 the grounds it might incriminate her. 17 BY MS. MAYO: 18 Q. Are you going to assert your Fifth 19 Amendment right in response to that question? 20 A. Yes. 21 Q. And you were employed by the Center for 22 Medical Progress to pose as Brianna Allen to 23 infiltrate conferences of abortion providers to 24 secretly videotape them; correct? 25 MR. KOLLER: Objection; assumes facts not</p>

<p style="text-align: center;">Page 62</p> <p>1 in evidence, vague and ambiguous. 2 Advise my client not to answer on the 3 grounds it might incriminate her. 4 BY MS. MAYO: 5 Q. Are you going to assert your Fifth 6 Amendment right in response to that question? 7 A. Yes. 8 Q. You entered into an independent contractor 9 agreement with the Center for Medical Progress to 10 perform undercover work as Brianna Allen; correct? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous. 13 I'd advise my client not to answer that on 14 the grounds it might incriminate her. 15 BY MS. MAYO: 16 Q. Are you going to assert your Fifth 17 Amendment right in response to that question? 18 A. Yes. 19 Q. The Center for Medical Progress paid you 20 for undercover work at conferences of abortion 21 providers where you were posing as Brianna Allen and 22 videotaping those that you came into contact with; 23 correct? 24 MR. KOLLER: Objection; assumes facts not 25 in evidence, vague and ambiguous.</p>	<p style="text-align: center;">Page 63</p> <p>1 I'd advise my client not to answer that 2 question on the grounds it might incriminate her. 3 BY MS. MAYO: 4 Q. Are you going to assert your Fifth 5 Amendment right in response to that question? 6 A. Yes. 7 Q. Were you paid for your work with the Center 8 for Medical Progress by check? 9 MR. KOLLER: Objection; vague and 10 ambiguous, assumes facts not in evidence. 11 I'd advise my client not to answer on the 12 grounds it might incriminate her. 13 BY MS. MAYO: 14 Q. Are you going to assert your Fifth 15 Amendment right in response to that question? 16 A. Yes. 17 Q. Did CMP, or the Center for Medical 18 Progress, provide you with any tax documents for the 19 money that you received; for example, Form 1099? 20 MR. KOLLER: Objection; vague and 21 ambiguous, assumes facts not in evidence. 22 I'd advise my client not to answer that on 23 the grounds it might incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert your Fifth</p>
<p style="text-align: center;">Page 64</p> <p>1 Amendment right in response to that question? 2 A. Yes. 3 Q. Did you claim the money that you earned 4 from CMP on your taxes for the relevant years? 5 MR. KOLLER: Objection; assumes facts not 6 in evidence. 7 I'd advise my client not to answer that on 8 the grounds it might incriminate her. 9 BY MS. MAYO: 10 Q. Are you going to assert your Fifth 11 Amendment right in response to that question? 12 A. Yes. 13 MS. MAYO: Let's go ahead and mark as 14 Exhibit 533 an e-mail, dated September 10th, 2013, 15 from David Daleiden. 16 (Deposition Exhibit 533 was marked for 17 identification) 18 THE WITNESS: (Reviewing document.) 19 BY MS. MAYO: 20 Q. Ms. Baxter, have you seen Exhibit 533 21 before? 22 MR. KOLLER: Objection. 23 I'd advise my client not to answer that on 24 the grounds it might incriminate her. 25 //</p>	<p style="text-align: center;">Page 65</p> <p>1 BY MS. MAYO: 2 Q. Are you going to assert your Fifth 3 Amendment right in response to that question? 4 A. Yes. 5 Q. Exhibit 533 is a Southwest Airlines 6 confirmation for a flight from San Jose, California 7 to Denver, Colorado and back in September 2013; 8 correct? 9 MR. KOLLER: I would object the document 10 speaks for itself, but it does appear to be what it 11 is. 12 So you can answer if you can. 13 THE WITNESS: Yeah, that's what I'm seeing 14 in the document. 15 BY MS. MAYO: 16 Q. All right. And you took this trip to 17 Denver in September 2013 to attend the Association 18 of Reproductive Health Providers [sic] conference in 19 Denver; correct? 20 MR. KOLLER: Objection; assumes facts not 21 in evidence. 22 I'd advise my client not to answer that on 23 the grounds it might incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert your Fifth</p>

<p style="text-align: center;">Page 66</p> <p>1 Amendment right in response to that question?</p> <p>2 A. Yes.</p> <p>3 Q. And Mr. Daleiden booked this ticket for</p> <p>4 you; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not</p> <p>6 in evidence, vague and ambiguous, lack of</p> <p>7 foundation.</p> <p>8 Advise my client not to answer that on the</p> <p>9 grounds it might incriminate her.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. Are you going to assert your Fifth</p> <p>12 Amendment right in response to that question?</p> <p>13 A. Yes.</p> <p>14 Q. You attended the Association for</p> <p>15 Reproductive Health Providers conference in Denver</p> <p>16 in September of 2013 at the request of Mr. Daleiden;</p> <p>17 correct?</p> <p>18 MR. KOLLER: Objection; assumes facts not</p> <p>19 in evidence, vague and ambiguous.</p> <p>20 I'd advise my client not to answer on the</p> <p>21 grounds it might incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert your Fifth</p> <p>24 Amendment right in response to that question?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 67</p> <p>1 Q. The purpose of your attending the</p> <p>2 Association of Reproductive Health Providers</p> <p>3 conference in Denver was to wear a hidden camera and</p> <p>4 videotape abortion providers that you came into</p> <p>5 contact with; correct?</p> <p>6 MR. KOLLER: Objection; vague and</p> <p>7 ambiguous, assumes facts not in evidence.</p> <p>8 I'd advise my client not to answer on the</p> <p>9 grounds it might incriminate her.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. Are you going to assert your Fifth</p> <p>12 Amendment right in response to that question?</p> <p>13 A. Yes.</p> <p>14 Q. You registered for the Association of</p> <p>15 Reproductive Health Providers conference under the</p> <p>16 name Brianna Allen; correct?</p> <p>17 MR. KOLLER: Objection; vague and</p> <p>18 ambiguous, assumes facts not in evidence.</p> <p>19 Advise my client not to answer that on the</p> <p>20 grounds it might incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert your Fifth</p> <p>23 Amendment right in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. And you were wearing a concealed video</p>
<p style="text-align: center;">Page 68</p> <p>1 camera at the association of reproductive health</p> <p>2 providers conference in Denver, Colorado on</p> <p>3 September 2013; correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not</p> <p>5 in evidence.</p> <p>6 I'd advise my client not to answer that on</p> <p>7 the grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth</p> <p>10 Amendment right in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. While you were at the Association of</p> <p>13 Reproductive Healthcare Providers conference in</p> <p>14 Denver of September of 2013, you recorded</p> <p>15 conversations with healthcare providers that you</p> <p>16 came into contact with; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not</p> <p>18 in evidence.</p> <p>19 I'd advise my client not to answer on the</p> <p>20 grounds it might incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert your Fifth</p> <p>23 Amendment right in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. Mr. Daleiden gave you a cover story to use</p>	<p style="text-align: center;">Page 69</p> <p>1 in conversations with people at the Association of</p> <p>2 Reproductive Healthcare Providers conference in</p> <p>3 Denver in September 2013; correct?</p> <p>4 MR. KOLLER: Objection; vague and</p> <p>5 ambiguous, assumes facts not in evidence.</p> <p>6 Advise my client not to answer on the</p> <p>7 grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth</p> <p>10 Amendment right in response to that question?</p> <p>11 A. Yes.</p> <p>12 MS. MAYO: I'm going to mark as Exhibit 534</p> <p>13 a document Bates-numbered CM16036 through -38.</p> <p>14 (Deposition Exhibit 534 was marked for</p> <p>15 identification)</p> <p>16 THE WITNESS: (Reviewing document.)</p> <p>17 MR. KOLLER: Look up when you're ready.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Ms. Baxter, have you seen Exhibit 534</p> <p>20 before today?</p> <p>21 MR. KOLLER: Objection; vague and</p> <p>22 ambiguous.</p> <p>23 I'd advise my client not to answer on the</p> <p>24 grounds it might incriminate her.</p> <p>25 //</p>

<p style="text-align: center;">Page 70</p> <p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert your Fifth</p> <p>3 Amendment right in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Exhibit 534 is a Confidential Field Worker</p> <p>6 Vocabulary document that provided the cover story</p> <p>7 you were to use at the Association for Reproductive</p> <p>8 Healthcare Providers conference in Denver; correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not</p> <p>10 in evidence, vague and ambiguous.</p> <p>11 Advise my client not to answer on the</p> <p>12 grounds it might incriminate her.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Are you going to assert your Fifth</p> <p>15 Amendment right in response to that question?</p> <p>16 A. Yes.</p> <p>17 Q. And the purpose of your attending the</p> <p>18 association of Reproductive Healthcare Providers</p> <p>19 conference is set forth in the first paragraph of</p> <p>20 Exhibit 534, where it says:</p> <p>21 "You are hoping to network with abortion</p> <p>22 providers, clinic directors, and Planned</p> <p>23 Parenthood executives at the Association of</p> <p>24 Reproductive Health Professionals annual</p> <p>25 meeting who may be interested in</p>	<p style="text-align: center;">Page 71</p> <p>1 participating in a tissue donation program</p> <p>2 with you."</p> <p>3 Correct?</p> <p>4 MR. KOLLER: Objection; vague and</p> <p>5 ambiguous.</p> <p>6 I'd advise my client not to answer on the</p> <p>7 grounds it may incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth</p> <p>10 Amendment right in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. While you were at the Association of</p> <p>13 Reproductive Health Professionals conference in</p> <p>14 Denver, you did, in fact, network with abortion</p> <p>15 providers, clinic directors, and Planned Parenthood</p> <p>16 executives; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not</p> <p>18 in evidence.</p> <p>19 I'd advise my client not to answer on the</p> <p>20 grounds it might incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert your Fifth</p> <p>23 Amendment right in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. While you were attending the Association of</p>
<p style="text-align: center;">Page 72</p> <p>1 Reproductive Health Professionals conference, you</p> <p>2 videotaped your interactions with persons attending</p> <p>3 that conference; correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not</p> <p>5 in evidence.</p> <p>6 I'd advise my client not to answer that</p> <p>7 question on the grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth</p> <p>10 Amendment right in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. When you attended the ARHP conference in</p> <p>13 Denver in September 2013, no one told you that</p> <p>14 Planned Parenthood was engaging in any violent</p> <p>15 felonies; correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not</p> <p>17 in evidence, vague and ambiguous.</p> <p>18 I'd advise my client not to answer on the</p> <p>19 grounds it might incriminate her.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Are you going to assert your Fifth</p> <p>22 Amendment right in response to that question?</p> <p>23 A. Yes.</p> <p>24 Q. And, in fact, when you attended the ARHP</p> <p>25 conference in Denver in 2013, you didn't learn</p>	<p style="text-align: center;">Page 73</p> <p>1 anything that would lead you to believe that Planned</p> <p>2 Parenthood was engaging in violent felonies;</p> <p>3 correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not</p> <p>5 in evidence.</p> <p>6 Advise my client not to answer on the</p> <p>7 grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth</p> <p>10 Amendment right in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. Before you attended the ARHP conference in</p> <p>13 Denver, did you do any research into fetal tissue</p> <p>14 donation?</p> <p>15 MR. KOLLER: Objection; assumes facts not</p> <p>16 in evidence, vague and ambiguous.</p> <p>17 I'd advise my client not to answer on the</p> <p>18 grounds it might incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert your Fifth</p> <p>21 Amendment right in response to that question?</p> <p>22 A. Yes.</p> <p>23 MS. MAYO: I'm going to mark as Exhibit 535</p> <p>24 a September 13th, 2013, e-mail. It's Bates numbered</p> <p>25 CM00014.</p>

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<p>1 (Deposition Exhibit 535 was marked for 2 identification) 3 THE WITNESS: (Reviewing document.) 4 BY MS. MAYO: 5 Q. Ms. Baxter, have you seen Exhibit 535 6 before today? 7 MR. KOLLER: Objection. 8 I'd advise my client not to answer that on 9 the grounds it may incriminate her. 10 BY MS. MAYO: 11 Q. Are you going to assert your Fifth 12 Amendment right in response to that question? 13 A. Yes. 14 Q. Have you ever used the e-mail address 15 brianna@biomaxps.com? 16 MR. KOLLER: Objection; vague and 17 ambiguous. 18 I'd advise my client not to answer that on the 19 grounds it may incriminate her. 20 BY MS. MAYO: 21 Q. Are you going to assert your Fifth 22 Amendment right in response to that question? 23 A. Yes. 24 Q. Did you send this e-mail to 25 alaynaflorman@arhp.org on or about September 13th,</p>	<p>1 2013? 2 MR. KOLLER: Objection; vague and 3 ambiguous. 4 I'd advise my client not to answer this on 5 the grounds it may incriminate her. 6 BY MS. MAYO: 7 Q. Are you going to assert your Fifth 8 Amendment right in response to that question? 9 A. Yes. 10 Q. In fact, David Daleiden was using the 11 brianna@biomaxps.com e-mail address and sending out 12 e-mails using the identity of the person that you 13 portrayed at the ARHP conference in Denver; correct 14 be? 15 MR. KOLLER: Objection; assumes facts not 16 in evidence, vague and ambiguous, compound. 17 I'd advise my client not to answer on the 18 grounds it may incriminate her. 19 BY MS. MAYO: 20 Q. Are you going to assert your Fifth 21 Amendment right in response to that question? 22 A. Yes. 23 MS. MAYO: I'm going to mark as Exhibit 536 24 a document Bates number PP0000136 through -141. 25 (Deposition Exhibit 536 was marked for</p>
<p style="text-align: center;">Page 76</p> <p>1 identification) 2 THE WITNESS: (Reviewing document.) 3 BY MS. MAYO: 4 Q. Ms. Baxter, have you seen Exhibit 536 5 before today? 6 MR. KOLLER: Objection; vague and 7 ambiguous. 8 Advise my client not to answer on the 9 grounds it may incriminate her. 10 BY MS. MAYO: 11 Q. Are you going to assert your Fifth 12 Amendment right in response to that question? 13 A. Yes. 14 Q. Exhibit 536 is the registration 15 confirmation for your attendance at the ARHP 16 conference in Denver in September 2013; correct? 17 MR. KOLLER: Objection; assumes facts not 18 in evidence, vague and ambiguous. 19 I'd advise my client not to answer on the 20 grounds it may incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert your Fifth 23 Amendment right in response to that question? 24 A. Yes. 25 Q. And you were registered at the ARHP</p>	<p style="text-align: center;">Page 77</p> <p>1 conference under the name of Brianna Allen; correct? 2 MR. KOLLER: Objection; assumes facts not 3 in evidence, vague and ambiguous. 4 I'd advise my client not to answer on the 5 grounds it may incriminate her. 6 BY MS. MAYO: 7 Q. Are you going to assert your Fifth 8 Amendment right in response to that question? 9 A. Yes. 10 Q. And Brianna Allen is in fact not your real 11 name; correct? 12 MR. KOLLER: You can answer that. 13 THE WITNESS: My real name is Brianna 14 Baxter. 15 BY MS. MAYO: 16 Q. Did you have any involvement in picking the 17 name Brianna Allen? 18 MR. KOLLER: Objection; assumes facts not 19 in evidence. 20 I'd advise my client not to answer on the 21 grounds it may incriminate her. 22 BY MS. MAYO: 23 Q. Are you going to assert your Fifth 24 Amendment right in response to that question? 25 A. Yes.</p>

<p style="text-align: center;">Page 78</p> <p>1 BY MS. MAYO:</p> <p>2 Q. Mr. Daleiden picked the name Brianna Allen 3 because he attended high school with a pro-choice 4 classmate named Brianna Allen; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lacks foundation, vague and ambiguous. 7 I'd advise my client not to answer on the 8 grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert your Fifth 11 Amendment right in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever look into whether using the 14 name Brianna Allen might be stealing a real person's 15 identity?</p> <p>16 MR. KOLLER: Objection. It lacks 17 foundation.</p> <p>18 I would advise my client not to answer on 19 the grounds it may incriminate her.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Are you going to assert your Fifth 22 Amendment right in response to that question?</p> <p>23 A. Yes.</p> <p>24 Q. The job title listed on this registration, 25 Exhibit 536, is "Clinical Assistant" with a company</p>	<p style="text-align: center;">Page 79</p> <p>1 known -- excuse me -- with a company known as 2 BioMax.</p> <p>3 And you were never a clinical assistant 4 with a company called BioMax; correct?</p> <p>5 MR. KOLLER: I would object that it's vague 6 and ambiguous, but you can answer it if you can.</p> <p>7 THE WITNESS: No, I have not.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. In fact, you never worked for a company 10 called BioMax; correct?</p> <p>11 MR. KOLLER: Objection; vague and 12 ambiguous.</p> <p>13 But you can answer if you can.</p> <p>14 THE WITNESS: No, I have not.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. The registration for this conference was 17 \$270. Where did that money come from?</p> <p>18 MR. KOLLER: Objection; vague and 19 ambiguous, assumes facts not in evidence.</p> <p>20 Advise my client not to answer on the 21 grounds it may incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert your Fifth 24 Amendment right in response to that question?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">Page 80</p> <p>1 Q. The Visa card used to pay for admission to 2 the ARHP conference as reflected in Exhibit 536 was 3 in the cardholder name Sofia Mireles.</p> <p>4 Who is Sofia Mireles?</p> <p>5 MR. KOLLER: Objection; vague and 6 ambiguous.</p> <p>7 I'd advise my client not to answer that on 8 the grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert your Fifth 11 Amendment right in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know anyone named Sofia Mireles?</p> <p>14 MR. KOLLER: Objection; vague and 15 ambiguous.</p> <p>16 I'd advise my client not to answer that on 17 the grounds it may incriminate her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert your Fifth 20 Amendment right in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. The registration was paid for with a card 23 in the name of Sofia Mireles because had David 24 Daleiden paid for the conference he would have been 25 found out and denied registration for that</p>	<p style="text-align: center;">Page 81</p> <p>1 conference; correct?</p> <p>2 MR. KOLLER: Objection; assumes facts not 3 in evidence, vague and ambiguous, lacks foundation.</p> <p>4 I'd advise my client not to answer that on 5 the grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert your Fifth 8 Amendment right in response to that question?</p> <p>9 A. Yes.</p> <p>10 Q. You attended the ARHP conference in Denver 11 along with a woman by the name of Sandra Susan 12 Merritt who was posing as Susan Tennenbaum; correct?</p> <p>13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous.</p> <p>15 And advise my client not to answer on the 16 grounds it may incriminate her.</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Are you going to assert your Fifth 19 Amendment right in response to that question?</p> <p>20 A. Yes.</p> <p>21 Q. Ms. Merritt was also wearing a hidden 22 camera when she accompanied you to the ARHP 23 conference in Denver in 2013; correct?</p> <p>24 MR. KOLLER: Objection; assumes facts not 25 in evidence, lacks foundation, vague and ambiguous.</p>

<p style="text-align: center;">Page 82</p> <p>1 And I would advise my client not to answer 2 that on the grounds it may incriminate her. 3 BY MS. MAYO: 4 Q. Are you going to assert the Fifth Amendment 5 in response to that question? 6 A. Yes. 7 Q. You recorded the people that you interacted 8 with at the ARHP conference in Denver in 2013; 9 correct? 10 MR. KOLLER: Objection; assumes facts not 11 in evidence. 12 Advise my client not to answer that on the 13 grounds it may incriminate her. 14 BY MS. MAYO: 15 Q. Are you going to assert the Fifth Amendment 16 in response to that question? 17 A. Yes. 18 Q. And you did not disclose to anyone that you 19 interacted with that you had a hidden camera and 20 were recording your interactions with them; correct? 21 MR. KOLLER: Objection; assumes facts not 22 in evidence, vague and ambiguous. 23 I'd advise my client not to answer on the 24 grounds it may incriminate her. 25 //</p>	<p style="text-align: center;">Page 83</p> <p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 Q. And you made several hours of undercover 6 recordings at the ARHP conference; correct? 7 MR. KOLLER: Objection; assumes facts not 8 in evidence. 9 Advise my client not to answer that on the 10 grounds it may incriminate her. 11 BY MS. MAYO: 12 Q. Are you going to assert the Fifth Amendment 13 in response to that question? 14 A. Yes. 15 Q. Have you ever watched the recordings that 16 you made at the ARHP conference? 17 MR. KOLLER: Objection; assumes facts not 18 in evidence. 19 I'd advise my client not to answer that on the 20 grounds it may incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert the Fifth Amendment 23 in response to that question? 24 A. Yes. 25 Q. In order to gain access to conferences of</p>
<p style="text-align: center;">Page 84</p> <p>1 reproductive healthcare providers, CMP created the 2 front company BioMax Procurement Services; correct? 3 MR. KOLLER: Objection; assumes facts not 4 in evidence, lacks foundation. 5 I'd advise my client not to answer that on 6 the grounds it may incriminate her. 7 BY MS. MAYO: 8 Q. Are you going to assert your Fifth 9 Amendment right in response to that question? 10 A. Yes. 11 Q. BioMax was a company that CMP formed; 12 correct? 13 MR. KOLLER: Objection; assumes facts not 14 in evidence, lacks foundation. 15 I'd advise my client not to answer that on 16 the grounds it might incriminate her. 17 BY MS. MAYO: 18 Q. Are you going to assert your Fifth 19 Amendment right in response to that question? 20 A. Yes. 21 Q. And CMP formed the company BioMax for the 22 purpose of gaining access to conferences of abortion 23 providers; correct? 24 MR. KOLLER: Objection; assumes facts not 25 in evidence, lacks foundation.</p>	<p style="text-align: center;">Page 85</p> <p>1 I'd advise my client not to answer that on 2 the grounds it may incriminate her. 3 BY MS. MAYO: 4 Q. Are you going to assert the Fifth Amendment 5 in response to that question? 6 A. Yes. 7 Q. And, in particular, CMP formed the company 8 BioMax for the purpose of entering conferences of 9 abortion providers sponsored by the National 10 Abortion Federation; correct? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lacks foundation, vague and ambiguous. 13 Advise my client not to answer that on the 14 grounds it might incriminate her. 15 BY MS. MAYO: 16 Q. Are you going to assert your Fifth 17 Amendment right in response to that question? 18 A. Yes. 19 Q. When was BioMax created? 20 MR. KOLLER: Objection; assumes facts not 21 in evidence, lacks foundation. 22 I'd advise my client not to answer that on 23 the grounds it may incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert the Fifth Amendment</p>

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<p>1 in response to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Were you involved in creating BioMax?</p> <p>4 MR. KOLLER: Objection; vague and ambiguous.</p> <p>5 Advise my client not to answer that on the grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert the Fifth Amendment in response to this question?</p> <p>8 A. Yes.</p> <p>9 Q. BioMax was created to provide a cover for the people involved in undercover videotaping for CMP; correct?</p> <p>10 MR. KOLLER: Objection; assumes facts not in evidence, lacks foundation, vague and ambiguous.</p> <p>11 Advise my client not to answer that on the grounds it may incriminate her.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. BioMax was a company that held itself out as supplying medical researchers with human biological specimens; correct?</p>	<p>1 MR. KOLLER: Objection; assumes facts not in evidence.</p> <p>2 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>5 A. Yes.</p> <p>6 MS. MAYO: Let's mark as 537 a document Bates-numbered PP0000256 through -257.</p> <p>7 (Deposition Exhibit 537 was marked for identification)</p> <p>8 THE WITNESS: (Reviewing document.)</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Ms. Baxter, have you seen Exhibit 537 before today?</p> <p>11 MR. KOLLER: Objection.</p> <p>12 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Are you going to assert your Fifth Amendment right in response to that question?</p> <p>15 A. Yes.</p> <p>16 Q. Exhibit 537 is a brochure that BioMax created as part of its cover for the undercover</p>
<p>1 video operation; correct?</p> <p>2 MR. KOLLER: Objection; assumes facts not in evidence.</p> <p>3 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert your right under the Fifth Amendment in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. Did you help draft Exhibit 537?</p> <p>8 MR. KOLLER: Objection; assumes facts not in evidence.</p> <p>9 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>10 BY MS. MAYO:</p> <p>11 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Did Mr. Daleiden consult you for your training in microbiology to review the brochure for BioMax that's marked as Exhibit 537?</p> <p>14 MR. KOLLER: Objection; vague and ambiguous.</p> <p>15 Advise my client not to answer that on the grounds it may incriminate her.</p>	<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert your Fifth Amendment right in response to that question?</p> <p>3 A. Yes.</p> <p>4 Q. In the center column of Exhibit 537 under the heading "About BioMax," it says:</p> <p>5 "BioMax Procurement Services, LLC is a biological specimen procurement organization headquartered in Norwalk, California. BioMax provides tissue and specimen procurement for academic and private bioscience researchers."</p> <p>6 The first -- BioMax Procurement Services, LLC is not, in fact, a biological specimen procurement organization; correct?</p> <p>7 MR. KOLLER: Objection; lacks foundation.</p> <p>8 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert your Fifth Amendment right in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. And the statement that "BioMax provides tissue and specimen procurement for academic and private bioscience researchers" is also false</p>

Page 90	Page 91
<p>1 because BioMax has never provided tissue and 2 specimen procurement services for any purposes 3 whatsoever; correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not 5 in evidence, lacks foundation.</p> <p>6 I'd advise my client not to answer that on 7 the grounds it may incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert your Fifth 10 Amendment right in response to this question?</p> <p>11 A. Yes.</p> <p>12 Q. In fact, BioMax has never collected any 13 biological specimens; correct?</p> <p>14 MR. KOLLER: Objection; lacks foundation, 15 vague and ambiguous.</p> <p>16 Advise my client not to answer that on the 17 grounds it may incriminate her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert the Fifth Amendment 20 in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. The CMP actors in these undercover videos 23 were telling abortion care providers that BioMax 24 was, in fact, supplying specimens to researchers; 25 correct?</p>	<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, lack of foundation, vague and 3 ambiguous.</p> <p>4 I'd advise my client not to answer that on the 5 grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert the Fifth Amendment 8 in response to that question?</p> <p>9 A. Yes.</p> <p>10 Q. And, in fact, posing as Brianna Allen, you 11 told reproductive healthcare providers that you came 12 into contact with that you were employed by BioMax; 13 correct?</p> <p>14 MR. KOLLER: Objection; assumes facts not 15 in evidence.</p> <p>16 Advise my client not to answer that on the 17 grounds it may incriminate her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert the Fifth Amendment 20 in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. And posing as Brianna Allen at conferences, 23 you told reproductive healthcare providers that you 24 came into contact with that BioMax was a biological 25 specimen procurement company supplying specimens to</p>
<p>1 researchers; correct?</p> <p>2 MR. KOLLER: Objection; assumes facts not 3 in evidence, vague and ambiguous.</p> <p>4 I'd advise my client not to answer that on 5 the grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert the Fifth Amendment 8 in response to that question?</p> <p>9 A. Yes.</p> <p>10 Q. So the CMP actors, including yourself, were 11 lying to the reproductive healthcare providers that 12 they came into contact with about BioMax; correct?</p> <p>13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous.</p> <p>15 I'd advise my client not to answer that on 16 the grounds it may incriminate her.</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Are you going to assert the Fifth Amendment 19 in response to that question?</p> <p>20 A. Yes.</p> <p>21 Q. And you, along with the other CMP actors, 22 lied about BioMax in order to gain the trust of 23 Planned Parenthood employees; correct?</p> <p>24 MR. KOLLER: Objection; assumes facts not 25 in evidence, vague and ambiguous, lacks foundation.</p>	<p>1 Page 92</p> <p>1 Advise my client not to answer that on the 2 grounds it may incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment 5 in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. And Planned Parenthood employees would not 8 have scheduled meetings with the CMP actors if they 9 knew about these lies and about CMP's true goals; 10 correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lacks foundation, vague and ambiguous.</p> <p>13 And I'd advise my client not to answer that 14 on the grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the Fifth Amendment 17 in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Who is Susan Tennenbaum?</p> <p>20 MR. KOLLER: Objection; vague and 21 ambiguous.</p> <p>22 I'd advise my client not to answer that on 23 the grounds it may incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Are you going to assert the Fifth Amendment</p>

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<p>1 in response to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Who is Robert Sarkis?</p> <p>4 MR. KOLLER: Objection; vague and ambiguous.</p> <p>5 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>8 A. Yes.</p> <p>9 Q. Who is Rebecca Wagner?</p> <p>10 MR. KOLLER: Objection; vague and ambiguous.</p> <p>11 I'd advise my client not to answer that on the grounds it may incriminate her.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. And, in fact, Susan Tennenbaum is the false name assumed by Sandra Susan Merritt in connection with this undercover video project; correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not in evidence, lacks foundation, vague and ambiguous.</p>	<p>1 I'd advise my client not to answer that on the grounds it might incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. And, in fact, Robert Sarkis is the false name assumed by Daleiden in connection with this undercover video project; correct?</p> <p>6 MR. KOLLER: Objection; assumes facts not in evidence, vague and ambiguous, lacks foundation.</p> <p>7 I'd advise my client not to answer it on the grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. And Rebecca Wagner is the false name assumed by Annamarie Bettisworth in connection with the undercover video project; correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not in evidence, lacks foundation, vague and ambiguous.</p> <p>13 Advise my client not to answer on the grounds it might incriminate her.</p> <p>14 //</p>
<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert your Fifth Amendment right in response to that question?</p> <p>3 A. Yes.</p> <p>4 Q. The false identities of Brianna Allen, Susan Tennenbaum, Robert Sarkis, and Rebecca Wagner were created to allow you and the others access into conferences of reproductive healthcare providers; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not in evidence, vague and ambiguous.</p> <p>6 I'd advise my client not to answer that on the grounds it might incriminate her.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>9 A. Yes.</p> <p>10 Q. You, and Susan Merritt, David Daleiden, Annamarie Bettisworth assumed false identities because you were afraid that you would not be allowed to enter conferences of reproductive healthcare providers if you used your own names; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not in evidence, vague and ambiguous.</p>	<p>1 Advise my client not to answer that on the grounds it might incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Were you involved in selecting the fake names used by Mr. Daleiden, Ms. Merritt, or Ms. Bettisworth?</p> <p>6 MR. KOLLER: Objection; assumes facts not in evidence, compound, vague and ambiguous.</p> <p>7 And I'd advise my client not to answer that on the grounds it might incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert the Fifth Amendment in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. In order for Mr. Daleiden to use the name Sarkis at conferences, he needed a form of identification; correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not in evidence.</p> <p>13 I'd advise my client not to answer that on the grounds it might incriminate her.</p> <p>14 //</p>
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<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert the Fifth Amendment 3 in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. When you attended conferences, what 6 identification did you provide?</p> <p>7 MR. KOLLER: Objection; assumes facts not 8 in evidence, vague and ambiguous. 9 Advise my client not to answer that on the 10 grounds it might incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert the Fifth Amendment 13 in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. When you attended conferences, what was the 16 name on the identification that you provided to 17 enter those conferences?</p> <p>18 MR. KOLLER: Objection; vague and 19 ambiguous, assumes facts not in evidence. 20 I'd advise my client not to answer that on 21 the grounds it might incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert the Fifth Amendment 24 in response to that question?</p> <p>25 A. Yes.</p>	<p>1 Q. Did you use a false identification in the 2 name of Brianna Allen in order to enter the ARHP 3 conference?</p> <p>4 MR. KOLLER: Objection; assumes facts not 5 in evidence, lacks foundation, vague and ambiguous. 6 Advise my client not to answer on the 7 grounds it may incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert the Fifth Amendment 10 in response to that question?</p> <p>11 A. Yes.</p> <p>12 MS. MAYO: I'm going to mark as Exhibit 538 13 a document with the Bates number PP0000253 and -254. 14 (Deposition Exhibit 538 was marked for 15 identification)</p> <p>16 THE WITNESS: (Reviewing document.)</p> <p>17 BY MS. MAYO:</p> <p>18 Q. Have you seen Exhibit 538 before today?</p> <p>19 MR. KOLLER: Objection; lacks foundation. 20 I'd advise my client not to answer that on 21 the grounds it may incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert the Fifth Amendment 24 in response to that question?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">Page 100</p> <p>1 Q. These are the driver's licenses that Susan 2 Merritt and David Daleiden used to infiltrate 3 conferences of reproductive healthcare providers; 4 correct?</p> <p>5 MR. KOLLER: Objection; lacks foundation. 6 I'd advise my client not to answer that on 7 the grounds it may incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert the Fifth Amendment 10 in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. Did you have any involvement in obtaining 13 these false driver's licenses?</p> <p>14 MR. KOLLER: Objection; assumes facts in -- 15 assumes facts not in evidence, lacks foundation. 16 I'd advise my client not to answer this on 17 the grounds it may incriminate her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert the Fifth Amendment 20 in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. Have you ever used a false ID for any 23 purpose?</p> <p>24 MR. KOLLER: Objection. 25 Advise my client not to answer that on the</p>	<p style="text-align: center;">Page 101</p> <p>1 grounds it may incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert the Fifth Amendment 4 in response to that question?</p> <p>5 A. Yes.</p> <p>6 Q. Did you ever obtain a false identification 7 in the name of Brianna Allen?</p> <p>8 MR. KOLLER: I'm going to advise my client 9 not to answer that on the grounds it may incriminate 10 her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert in response to that 13 question?</p> <p>14 A. Yes.</p> <p>15 Q. Now, in order to pay for the fees 16 associated with admittance to conferences, the CMP 17 actors needed payment cards that didn't have their 18 real names on them; correct?</p> <p>19 MR. KOLLER: Objection; assumes facts not 20 in evidence, lacks foundation. 21 I'd advise my client not to answer that on 22 the grounds it may incriminate her.</p> <p>23 BY MS. MAYO:</p> <p>24 Q. Are you going to assert the Fifth Amendment 25 in response to that question?</p>

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<p>1 A. Yes.</p> <p>2 Q. And CMP obtained payment cards under false</p> <p>3 names; correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not</p> <p>5 in evidence, lack of foundation.</p> <p>6 Advise my client not to answer that on the</p> <p>7 grounds it may incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert the Fifth Amendment</p> <p>10 in response to that question?</p> <p>11 A. Yes.</p> <p>12 MS. MAYO: I'm going to mark as Exhibit 539</p> <p>13 a document with the Bates number CM00005.</p> <p>14 (Deposition Exhibit 539 was marked for</p> <p>15 identification)</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Ms. Baxter, Exhibit 539 depicts three</p> <p>18 payment cards.</p> <p>19 Have you seen these cards before?</p> <p>20 MR. KOLLER: Objection; lacks foundation.</p> <p>21 I'd ask -- I'd ask -- try that again.</p> <p>22 I'd advise my client not to answer that on</p> <p>23 the grounds it may incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Are you going to assert the Fifth Amendment</p>	<p>1 in response to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Were you involved in obtaining these debit</p> <p>4 cards depicted in Exhibit 539?</p> <p>5 MR. KOLLER: Objection; assumes facts not</p> <p>6 in evidence, lacks foundation.</p> <p>7 Advise my client not to answer on the</p> <p>8 grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert the Fifth Amendment</p> <p>11 in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know how CMP obtained these debit</p> <p>14 cards?</p> <p>15 MR. KOLLER: Objection; assumes facts not</p> <p>16 in evidence.</p> <p>17 I'd advise my client not to answer this on</p> <p>18 the grounds it may incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert the Fifth Amendment</p> <p>21 in response to that question?</p> <p>22 A. Yes.</p> <p>23 Q. Were you consulted by Mr. Daleiden about</p> <p>24 obtaining these debit cards?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>
<p style="text-align: center;">Page 104</p> <p>1 in evidence, vague and ambiguous.</p> <p>2 I'd advise my client not to answer on the</p> <p>3 grounds it may tend to incriminate her.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert the Fifth Amendment</p> <p>6 in response to that question?</p> <p>7 A. Yes.</p> <p>8 Q. Were you aware that a debit card in the</p> <p>9 name of Brianna Allen was obtained by the Center for</p> <p>10 Medical Progress?</p> <p>11 MR. KOLLER: Objection; vague and</p> <p>12 ambiguous.</p> <p>13 I'd advise my client not to answer on the</p> <p>14 grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the fifth in</p> <p>17 response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever used a debit card in the name</p> <p>20 of Brianna Allen to purchase anything?</p> <p>21 MR. KOLLER: Objection; vague and</p> <p>22 ambiguous.</p> <p>23 I'd ask my client not to answer that on the</p> <p>24 grounds it may incriminate her.</p> <p>25 //</p>	<p style="text-align: center;">Page 105</p> <p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert the Fifth Amendment</p> <p>3 in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever been involved in obtaining</p> <p>6 debit cards under any false name?</p> <p>7 MR. KOLLER: I'd advise my client not to</p> <p>8 answer that on the grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert the Fifth Amendment</p> <p>11 in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. You were aware that CMP had obtained debit</p> <p>14 cards under fake names; correct?</p> <p>15 MR. KOLLER: Objection; assumes facts not</p> <p>16 in evidence, lacks foundation, vague and ambiguous.</p> <p>17 Advise my client not to answer that on the</p> <p>18 grounds it may incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert the Fifth Amendment</p> <p>21 in response to that question?</p> <p>22 A. Yes.</p> <p>23 Q. As you can see on Exhibit 539, one of the</p> <p>24 debit cards was issued in the name of Phil Cronin.</p> <p>25 Do you know who Phil Cronin is?</p>

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<p>1 MR. KOLLER: Objection; vague and 2 ambiguous. 3 I'd advise my client not to answer that on 4 the grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. Were you aware that CMP used the name Phil 10 Cronin on a Visa debit card? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous. 13 Advise my client not to answer this on the 14 grounds it may incriminate her. 15 BY MS. MAYO: 16 Q. Are you going to assert the Fifth Amendment 17 in response to that question? 18 A. Yes. 19 Q. Were you aware that the debit card in the 20 name of Phil Cronin was obtained without 21 Mr. Cronin's consent? 22 MR. KOLLER: Objection; lacks foundation, 23 vague and ambiguous. 24 Advise my client not to answer that on the 25 grounds it may incriminate her.</p>	<p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 MS. MAYO: Okay. Let's take a quick break. 6 THE VIDEOGRAPHER: This marks the end of 7 media file labeled Number 2. Off the record at 8 11:34 a.m. 9 (Recess taken) 10 THE VIDEOGRAPHER: This marks the beginning 11 of media file labeled Number 3. Back on the record 12 at 11:43 a.m. 13 MS. MAYO: I'm going to mark as Exhibit 540 14 a document that's Bates-numbered CM02531 through 15 532. 16 (Deposition Exhibit 540 was marked for 17 identification) 18 THE WITNESS: (Reviewing document.) 19 BY MS. MAYO: 20 Q. Ms. Baxter, have you seen Exhibit 540 21 before today? 22 MR. KOLLER: Advise my client not to answer 23 that on the grounds it may incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert the Fifth Amendment</p>
<p>1 in response to that question? 2 A. Yes. 3 Q. This is an e-mail exchange with someone 4 named Kathy Snow regarding a humanized mice webinar 5 registration. 6 Have you ever participated in a humanized 7 mice webinar? 8 MR. KOLLER: I'd advise my client not to 9 answer that on the grounds it may incriminate her. 10 BY MS. MAYO: 11 Q. Are you going to assert the Fifth Amendment 12 in response to that question? 13 A. Yes. 14 Q. Do you know what "humanized mice" refers 15 to? 16 MR. KOLLER: You can go ahead and answer. 17 THE WITNESS: If I remember right, they are 18 -- they are typically used for neurological models, 19 and they're injected with human neurological stem 20 cells. 21 BY MS. MAYO: 22 Q. Now, when Kathy Snow asked Brianna for more 23 information about BioMax's interest in this 24 humanized mice webinar, Brianna responded at the 25 middle of the page there:</p>	<p>1 "We are a tissue procurement service that 2 provides researchers with human gestational 3 specimens for tissue/cell xenografts to 4 construct SCID-hu models, such as the 5 Thy/Liv and BLT models frequently used in 6 HIV studies." 7 That's a false statement because BioMax did 8 not do any of that; correct? 9 MR. KOLLER: Objection; assumes facts not 10 in evidence, lack of foundation. 11 Advise my client not to answer that on the 12 grounds it may incriminate her. 13 BY MS. MAYO: 14 Q. Are you going to assert the Fifth Amendment 15 in response to that question? 16 A. Yes. 17 Q. Going further in that same paragraph, the 18 person identified or the Brianna -- the person 19 identified as Brianna on Exhibits 540 writes: 20 "I manage our relationships with surgical 21 clinics participating in specimen 22 donation." 23 That is also a false statement; right? 24 MR. KOLLER: Objection; assumes facts not 25 in evidence, lack of foundation.</p>

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<p>1 Advise my client not to answer that on the 2 grounds it may incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment 5 in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. Did you draft any portion of the e-mails 8 reflected in Exhibit 540?</p> <p>9 MR. KOLLER: Objection; vague and 10 ambiguous.</p> <p>11 Advise my client not to answer that on the 12 grounds it may incriminate her.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Are you going to assert the Fifth Amendment 15 in response to that question?</p> <p>16 A. Yes.</p> <p>17 Q. Did Mr. Daleiden ever call upon your 18 education and knowledge of microbiology in 19 connection with his undercover video project?</p> <p>20 MR. KOLLER: Objection; assumes facts not 21 in evidence.</p> <p>22 Advise my client not to answer that on the 23 grounds it may incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Are you going to assert the Fifth Amendment</p>	<p>1 in response to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Did Mr. Daleiden ever call upon you to help 4 him do research into fetal tissue or stem cell 5 research?</p> <p>6 MR. KOLLER: I would advise my client not 7 to answer that on the grounds it may incriminate 8 her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert the Fifth Amendment 11 in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Prior to your involvement with CMP or 14 Mr. Daleiden, did you have any experience with or 15 knowledge about fetal tissue procurement?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence, vague and ambiguous.</p> <p>18 And I'd advise my client not to answer that 19 on the grounds it may incriminate her.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Are you going to assert the Fifth Amendment 22 in response to that question?</p> <p>23 A. Yes.</p> <p>24 Q. Did you do any research into fetal tissue 25 procurement as part of your involvement with CMP and</p>
<p>1 Mr. Daleiden?</p> <p>2 MR. KOLLER: Objection; assumes facts not 3 in evidence, vague and ambiguous.</p> <p>4 I'd advise my client not to answer that on 5 the grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert the Fifth Amendment 8 in response to that question?</p> <p>9 A. Yes.</p> <p>10 MS. MAYO: I'm going to mark as Exhibit 541 11 a document Bates-numbered CM03463 and 34 -- through 12 -3465.</p> <p>13 (Deposition Exhibit 541 was marked for 14 identification)</p> <p>15 MR. KOLLER: Thank you.</p> <p>16 MS. MAYO: Sure.</p> <p>17 THE WITNESS: (Reviewing document.)</p> <p>18 BY MS. MAYO:</p> <p>19 Q. And for the record, Exhibit 541 is 20 comprised of an e-mail between Brianna Baxter and 21 David, and attached to it is what purports to be a 22 résumé for Brianna Leigh.</p> <p>23 Have you ever seen Exhibit 541 before 24 today?</p> <p>25 MR. KOLLER: I'd advise my client not to</p>	<p>1 answer that on the grounds it may incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert the Fifth Amendment 4 in response to that question?</p> <p>5 A. Yes.</p> <p>6 Q. Did you prepare the résumé that's attached 7 as -- the second page of the attachment -- the 8 second page of Exhibit 541?</p> <p>9 MR. KOLLER: I'd advise my client not to 10 answer that on the grounds it may incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert the Fifth Amendment 13 in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. Did Mr. Daleiden ever request that you 16 prepare a résumé under the false name of Brianna 17 Leigh?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence.</p> <p>20 I'd advise my client not to answer that on 21 the grounds it may incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert the Fifth Amendment 24 in response to that question?</p> <p>25 A. Yes.</p>

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<p>1 Q. Mr. Daleiden asked you to prepare a résumé 2 so that you could apply for a job undercover in a 3 name other than your own; correct?</p> <p>4 MR. KOLLER: I would advise my client not 5 to answer that on the grounds it may incriminate 6 her.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert the Fifth Amendment 9 in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. And this résumé for Brianna Leigh was 12 prepared for the purpose of getting hired by a 13 company as part of Mr. Daleiden's attempt to obtain 14 information he could use to attack Planned 15 Parenthood; correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence, lacks foundation, vague and ambiguous.</p> <p>18 I'd advise my client not to answer that on 19 the grounds it may incriminate her.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Are you going to assert the Fifth Amendment 22 in response to that question?</p> <p>23 A. Yes.</p> <p>24 Q. In the bold section of the résumé about a 25 quarter of the page up from the bottom, you wrote:</p>	<p>1 "Heads up David, there are so many things 2 in this section that cannot stay. Big time 3 pro-life goody-two-shoes."</p> <p>4 You were warning Mr. Daleiden that some of 5 your actual experience on this résumé would tip off 6 someone that you were a pro-life activist as opposed 7 to a pro-choice person; correct?</p> <p>8 MR. KOLLER: Objection; assumes facts not 9 in evidence. It's compound, lacks foundation, vague 10 and ambiguous.</p> <p>11 I'd advise my client not to answer on the 12 grounds it may incriminate her.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Are you going to assert the Fifth Amendment 15 in response to that question?</p> <p>16 A. Yes.</p> <p>17 Q. Now, the next conference that you attended 18 undercover as Brianna Allen was the 2014 NAF 19 conference in San Francisco; correct?</p> <p>20 MR. KOLLER: Sorry. Just was taking a 21 drink of water.</p> <p>22 I'd advise my client not to answer that on 23 the grounds it may incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Are you going to assert the Fifth Amendment</p>
<p>1 in response to that question?</p> <p>2 A. Yes.</p> <p>3 MS. MAYO: I'm going to mark as Exhibit 542 4 a document with the Bates number PP0007917. 5 (Deposition Exhibit 542 was marked for 6 identification)</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Ms. Baxter, this is a photograph of you and 9 Sandra Susan Merritt sitting at a BioMax table at 10 the 2014 NAF conference in San Francisco; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence.</p> <p>13 I'd advise my client not to answer on the 14 grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the Fifth Amendment 17 in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. After the 2014 NAF conference in San 20 Francisco, did Mr. Daleiden ask you to attend any 21 other conferences for his undercover project?</p> <p>22 MR. KOLLER: Objection; vague and 23 ambiguous, assumes facts not in evidence.</p> <p>24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>	<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert the Fifth Amendment 3 in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Did you continue to work with Mr. Daleiden 6 in any capacity after the 2014 NAF conference?</p> <p>7 MR. KOLLER: Objection; assumes facts not 8 in evidence.</p> <p>9 I'd advise my client not to answer that on 10 the grounds it may incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert the Fifth Amendment 13 in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. When did you stop your work for CMP or 16 Mr. Daleiden?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence, lacks foundation.</p> <p>19 I'd advise my client not to answer that on 20 the grounds it may incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert your Fifth 23 Amendment right in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. Did you stop working with Mr. Daleiden</p>

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<p>1 because you didn't like lying for him?</p> <p>2 MR. KOLLER: Objection; assumes facts not</p> <p>3 in evidence.</p> <p>4 I'd advise my client not to answer on the</p> <p>5 grounds it may incriminate her.</p> <p>6 BY MS. MAYO:</p> <p>7 Q. Are you going to assert the Fifth Amendment</p> <p>8 in response to that question?</p> <p>9 A. Yes.</p> <p>10 Q. Are you proud of the work that you did for</p> <p>11 Mr. Daleiden and CMP?</p> <p>12 MR. KOLLER: Objection; assumes facts not</p> <p>13 in evidence.</p> <p>14 Advise my client not to answer that on the</p> <p>15 grounds it may incriminate her.</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Are you going to assert the Fifth Amendment</p> <p>18 in response to that question?</p> <p>19 A. Yes.</p> <p>20 Q. In addition to Mr. Daleiden, who else did</p> <p>21 you communicate with at CMP?</p> <p>22 MR. KOLLER: Objection; assumes facts not</p> <p>23 in evidence, vague and ambiguous.</p> <p>24 Advise my client not to answer on the</p> <p>25 grounds it may incriminate her.</p>	<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert the Fifth Amendment</p> <p>3 in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever communicate with CMP board</p> <p>6 member Troy Newman?</p> <p>7 MR. KOLLER: Objection; vague and</p> <p>8 ambiguous.</p> <p>9 Advise my client not to answer that on the</p> <p>10 grounds it may incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert the Fifth Amendment</p> <p>13 in response to this question?</p> <p>14 A. Yes.</p> <p>15 Q. Have you ever communicated with CMP board</p> <p>16 member Albin Rhomberg?</p> <p>17 MR. KOLLER: Objection; assumes facts not</p> <p>18 in evidence.</p> <p>19 I'd advise my client not to answer that on</p> <p>20 the grounds it may incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert the Fifth Amendment</p> <p>23 in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know a Ryan Gonzales?</p>
<p style="text-align: center;">Page 120</p> <p>1 MR. KOLLER: I'd advise my client not to</p> <p>2 answer that on the grounds it may incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment</p> <p>5 in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. So one goal of CMP was to create undercover</p> <p>8 videos of interactions with healthcare providers,</p> <p>9 reproductive healthcare providers, in circumstances</p> <p>10 where they trusted you; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not</p> <p>12 in evidence, vague and ambiguous, lacks foundation.</p> <p>13 Advise my client not to answer on the</p> <p>14 grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the Fifth Amendment</p> <p>17 in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. So CMP sent people, including yourself,</p> <p>20 posing as BioMax employees to attend conferences put</p> <p>21 on by reproductive organizations and abortion</p> <p>22 providers; correct?</p> <p>23 MR. KOLLER: Objection; vague and</p> <p>24 ambiguous.</p> <p>25 I'd advise my client not to answer on the</p>	<p style="text-align: center;">Page 121</p> <p>1 grounds it may incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert the Fifth Amendment</p> <p>4 in response to that question?</p> <p>5 A. Yes.</p> <p>6 Q. And everyone who went undercover for CMP</p> <p>7 carried a concealed video camera or tape recorder;</p> <p>8 correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not</p> <p>10 in evidence, lacks foundation, vague and ambiguous.</p> <p>11 I'd advise my client not to answer on the</p> <p>12 grounds it may incriminate her.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Are you going to assert the Fifth Amendment</p> <p>15 in response to that question?</p> <p>16 A. Yes.</p> <p>17 Q. And you wore a concealed video camera or</p> <p>18 tape recorder at an ARHP conference and at a NAF</p> <p>19 conference; correct?</p> <p>20 MR. KOLLER: Objection; assumes facts not</p> <p>21 in evidence, compound, vague and ambiguous.</p> <p>22 I'd advise my client not to answer on the</p> <p>23 grounds it may incriminate her.</p> <p>24 BY MS. MAYO:</p> <p>25 Q. Are you going to assert the Fifth Amendment</p>

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<p>1 in response to that question?</p> <p>2 A. Yes.</p> <p>3 Q. To make an undercover video, people cannot 4 know that you're taping them; correct?</p> <p>5 MR. KOLLER: Objection; lack of foundation, 6 vague and ambiguous.</p> <p>7 Advise my client not to answer that on the 8 grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert the Fifth Amendment 11 in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. So you never told the people that you spoke 14 to go at the ARHP conference that you were wearing a 15 video camera; correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence, vague and ambiguous.</p> <p>18 I'd advise my client not to answer that on 19 the grounds it may incriminate her.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Are you going to assert the Fifth Amendment 22 in response to that question?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't tell the people that you 25 interacted with at the ARHP conference that you were</p>	<p>1 wearing a video camera because you wanted them to 2 trust you; correct?</p> <p>3 MR. KOLLER: Objection; assumes facts not 4 in evidence, vague and ambiguous.</p> <p>5 Advise my client not to answer on the 6 grounds it may incriminate her.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert the Fifth Amendment 9 in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. And you didn't tell the people that you 12 interacted with at the ARHP conference that you were 13 wearing an hidden video camera because you wanted 14 them to speak openly with you; correct?</p> <p>15 MR. KOLLER: Objection; assumes facts not 16 in evidence, vague and ambiguous.</p> <p>17 I'd advise my client not to answer on the 18 grounds it may incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert are the Fifth 21 Amendment in response to that question?</p> <p>22 A. Yes.</p> <p>23 Q. And you needed the people that you were 24 speaking with to trust you; correct?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>
<p style="text-align: center;">Page 124</p> <p>1 in evidence, vague and ambiguous.</p> <p>2 Advise my client not to answer that on the 3 grounds it may incriminate her.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert the Fifth Amendment 6 in response to that question?</p> <p>7 A. Yes.</p> <p>8 Q. And you needed the people that you were 9 speaking with at the conferences to think that you 10 were in the same industry and had the same goals; 11 correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not 13 in evidence, lacks foundation, vague and ambiguous.</p> <p>14 Advise my client not to answer on the 15 grounds it may incriminate her.</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Are you going to assert the Fifth Amendment 18 in response to that question?</p> <p>19 A. Yes.</p> <p>20 Q. And to get people that you were speaking 21 with to trust you, that was one reason for creating 22 BioMax; correct?</p> <p>23 MR. KOLLER: Objection; assumes facts not 24 in evidence.</p> <p>25 I'd advise my client not to answer on the</p>	<p style="text-align: center;">Page 125</p> <p>1 grounds it may incriminate her.</p> <p>2 BY MS. MAYO:</p> <p>3 Q. Are you going to assert the Fifth Amendment 4 in response to that question?</p> <p>5 A. Yes.</p> <p>6 Q. And to get people that you were speaking 7 with to trust you, you used a fake name because if 8 they looked you up as Brianna Baxter they would find 9 out that you were associated with pro-life causes; 10 correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous, lacks foundation.</p> <p>13 Advise my client not to answer that on the 14 grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the Fifth Amendment 17 in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. And going undercover at an ARHP or NAF 20 conference helped build trust between you and the 21 reproductive healthcare providers with whom you 22 interacted there; correct?</p> <p>23 MR. KOLLER: Objection; assumes facts not 24 in evidence, lacks foundation.</p> <p>25 I'd advise my client not to answer on the</p>

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<p>1 grounds it may incriminate her. 2 BY MS. MAYO: 3 Q. Are you going to assert the Fifth Amendment 4 in response to that question? 5 A. Yes. 6 Q. Do you consider using a false name to be a 7 lie? 8 MR. KOLLER: Objection. 9 Advise my client not to answer that on the 10 grounds it may incriminate her. 11 BY MS. MAYO: 12 Q. Are you going to assert the Fifth Amendment 13 in response to that question? 14 A. Yes. 15 Q. Do you consider using a false -- 16 A. Excuse me. 17 MR. KOLLER: Bless you. 18 BY MS. MAYO: 19 Q. Bless you. 20 A. Sorry. 21 Q. That's okay. 22 Ms. Baxter, do you consider using a false 23 ID to be a lie? 24 MR. KOLLER: Objection; relevance. 25 Advise her not answer that.</p>	<p>1 Asked and answered. 2 So I'd advise you not to answer on the 3 grounds it may incriminate you. 4 BY MS. MAYO: 5 Q. Are you going to assert the Fifth Amendment 6 in response to that question? 7 A. Yes. 8 Q. Who is Janet Smith? 9 MR. KOLLER: Objection; vague and 10 ambiguous. 11 Advise my client not to answer that on the 12 grounds it may incriminate her. 13 BY MS. MAYO: 14 Q. Have you ever communicated with Janet Smith 15 directly? 16 MR. KOLLER: Objection; lack of foundation. 17 I'd advise my client not to answer that on 18 the grounds it may incriminate her. 19 BY MS. MAYO: 20 Q. Are you going to assert the Fifth Amendment 21 in response to that question? 22 A. Yes. 23 Q. CMP asked Janet Smith to write an opinion 24 on the morality of undercover investigations like 25 the one that CMP was undertaking; correct?</p>
<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, lacks foundation. 3 I'd advise my client not to answer on the 4 grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. Did you read the opinion that Janet Smith 10 wrote for CMP on the morality of undercover 11 investigations? 12 MR. KOLLER: Objection; vague and 13 ambiguous. 14 I'd advise my client not to answer that on 15 the grounds it might incriminate her. 16 BY MS. MAYO: 17 Q. Are you going to assert the Fifth Amendment 18 in response to that question? 19 A. Yes. 20 Q. Did Mr. Daleiden provide you with that 21 opinion in order to help justify the work that you 22 were doing undercover? 23 MR. KOLLER: Objection; assumes facts not 24 in evidence, vague and ambiguous. 25 And I'd advise my client not to answer on</p>	<p>1 the grounds it may incriminate her. 2 BY MS. MAYO: 3 Q. Are you going to assert the Fifth Amendment 4 in response to that question? 5 A. Yes. 6 Excuse me. 7 MR. KOLLER: Do you need more tissue or are 8 you okay? 9 THE WITNESS: Oh, I came prepared. 10 Allergies have been bad. Thank you, though. 11 MR. KOLLER: Mm-hmm. 12 BY MS. MAYO: 13 Q. Do you think it was moral to assume fake 14 names, set up a fake company, use hidden cameras to 15 tape people without their consent? 16 MR. KOLLER: Objection; assumes facts not 17 in evidence, relevance. 18 And I'd advise my client not to answer on 19 the grounds it may incriminate her. 20 BY MS. MAYO: 21 Q. Are you going to assert the Fifth Amendment 22 in response to that question? 23 A. Yes. 24 Q. And you had no problem lying to carry out 25 this project with Mr. Daleiden; correct?</p>

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<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, vague and ambiguous. 3 I'd advise my client not to answer on the 4 grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. Did you think it was moral to release clips 10 from videotapes that edited out any statements 11 denying what CMP accused Planned Parenthood of 12 doing? 13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous. 15 I'd advise my client not to answer on the 16 grounds it may incriminate her. 17 BY MS. MAYO: 18 Q. Are you going to assert are you going to 19 assert the Fifth Amendment in response to that 20 question? 21 A. Yes. 22 Q. In fact, you had no problem with CMP 23 releasing edited videotapes to falsely portray 24 Planned Parenthood as selling baby body parts 25 because it would harm Planned Parenthood; correct?</p>	<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, vague and ambiguous. 3 I'd advise my client not to answer on the 4 grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. You've heard of the Human Capital Project? 10 MR. KOLLER: Objection; relevance. 11 But you can answer. 12 THE WITNESS: No, I don't think so. 13 BY MS. MAYO: 14 Q. Okay. Did you know that Mr. Daleiden's 15 undercover video project was released under the 16 heading Human Capital Project? 17 MR. KOLLER: Objection; lacks foundation, 18 assumes facts not in evidence. 19 I'd advise my client not to answer that on 20 the grounds it may incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert your Fifth 23 Amendment right in response to that question? 24 A. Yes. 25 Q. The purpose of the Human Capital Project</p>
<p>1 was to release false videotapes that would harm 2 Planned Parenthood; correct? 3 MR. KOLLER: Objection; assumes facts not 4 in evidence, lack of foundation, vague and 5 ambiguous. 6 And I'd advise my client not to answer that 7 on the grounds it may incriminate her. 8 BY MS. MAYO: 9 Q. Are you going to assert the Fifth Amendment 10 in response to that question? 11 A. Yes. 12 Q. When Mr. Daleiden recruited you to 13 participate in his undercover video project, he told 14 you that he was going to release tapes that would -- 15 that were intended to portray Planned Parenthood in 16 a very negative light; correct? 17 MR. KOLLER: Objection; assumes facts not 18 in evidence, lack of foundation. 19 I'd advise my client not to answer that on 20 the grounds it may incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert the Fifth Amendment 23 in response to that question? 24 A. Yes. 25 Q. And, in fact, Mr. Daleiden told you that</p>	<p>1 the purpose of obtaining this undercover video was 2 so that he could release videotapes or video clips 3 that would demonize Planned Parenthood; correct? 4 MR. KOLLER: Objection; assumes facts not 5 in evidence, vague and ambiguous. 6 I'd advise my client not to answer that on 7 the grounds it may incriminate her. 8 BY MS. MAYO: 9 Q. Are you going to assert the Fifth Amendment 10 in response to that question? 11 A. Yes. 12 Q. Did Mr. Daleiden let you know in advance 13 the date of the first video clip release? 14 MR. KOLLER: Objection; assumes facts not 15 in evidence, vague and ambiguous. 16 I'd advise my client not to answer that on 17 the grounds it may incriminate her. 18 BY MS. MAYO: 19 Q. Are you going to assert the Fifth Amendment 20 in response to that question? 21 A. Yes. 22 Q. And, in fact, in July of 2015 CMP 23 released -- began releasing a series of videotapes 24 that falsely accused Planned Parenthood of selling 25 baby body parts; correct?</p>

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<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence. 3 I'd advise my client not to answer that on 4 the grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. Did Mr. Daleiden consult with you in 10 editing those videos? 11 MR. KOLLER: Objection; vague and 12 ambiguous. 13 I'd advise my client not to answer that on 14 the grounds it may incriminate her. 15 BY MS. MAYO: 16 Q. Are you going to assert the Fifth Amendment 17 in response to that question? 18 A. Yes. 19 Q. Did Mr. Daleiden send you any previews of 20 the videotapes he released under the cover of CMP in 21 July of 2015? 22 MR. KOLLER: Objection; vague and 23 ambiguous. 24 Advise my client not to answer that on the 25 grounds it may incriminate her.</p>	<p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 Q. Have you ever viewed the videos released by 6 CMP beginning in July of 2015? 7 MR. KOLLER: Objection; assumes facts not 8 in evidence. 9 I'd advise my client not to answer that on 10 the grounds it may incriminate her. 11 BY MS. MAYO: 12 Q. Are you going to assert the Fifth Amendment 13 in response to that question? 14 A. Yes. 15 Q. Have you watched any of the videos that 16 included footage that you taped at the ARHP 17 conference? 18 MR. KOLLER: Objection; assumes facts not 19 in evidence, lacks foundation. 20 I'd advise my client not to answer that on 21 the grounds it may incriminate her. 22 BY MS. MAYO: 23 Q. Are you going to assert the Fifth Amendment 24 in response to that question? 25 A. Yes.</p>
<p>1 Page 136</p> <p>1 Q. Have you watched any of the videos released 2 by CMP that included footage you taped at the NAF 3 conference in 2014? 4 MR. KOLLER: Objection; assumes facts not 5 in evidence. 6 I will advise my client not to answer that 7 on the grounds it may incriminate her. 8 BY MS. MAYO: 9 Q. Are you going to assert the Fifth Amendment 10 in response to that question? 11 A. Yes. 12 Q. CMP recorded several hundred hours of 13 videotape over the course of its undercover 14 operations; correct? 15 MR. KOLLER: Objection; lacks foundation, 16 vague and ambiguous. 17 I'd advise my client not to answer that on 18 the grounds it may incriminate her. 19 BY MS. MAYO: 20 Q. Are you going to assert the Fifth Amendment 21 in response to that question? 22 A. Yes. 23 Q. And, in fact, Mr. Daleiden never expected 24 anyone to watch all of the undercover video that he 25 recorded -- or that was recorded at his direction;</p>	<p>1 correct? 2 MR. KOLLER: Objection; assumes facts not 3 in evidence, lacks foundation, vague and ambiguous. 4 I'd advise my client not to answer on the 5 grounds it may incriminate her. 6 BY MS. MAYO: 7 Q. Are you going to assert the Fifth Amendment 8 in response to that question? 9 A. Yes. 10 Q. And, in fact, CMP never published all of 11 the video that it recorded undercover with actors 12 posing as representatives of BioMax; correct? 13 MR. KOLLER: Objection; assumes facts not 14 in evidence, lacks foundation. 15 I'd advise my client not to answer that on 16 the grounds it may incriminate her. 17 BY MS. MAYO: 18 Q. Are you going to assert the Fifth Amendment 19 in response to this question? 20 A. Yes. 21 Q. The short videos that were released by CMP 22 beginning in July of 2015 did not include the 23 portions of the videos where Planned Parenthood 24 employees said that they could not profit from fetal 25 tissue donation; correct?</p>

<p style="text-align: center;">Page 138</p> <p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence. 3 I'd advise my client not to answer on the 4 grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. And, in fact, the short videos released by 10 CMP beginning in July of 2015 did not include 11 portions of the videos where Planned Parenthood 12 employees specifically said that they did not profit 13 from fetal tissue donation; correct? 14 MR. KOLLER: I'm going to object assumes 15 facts not in evidence, lack of foundation, vague and 16 ambiguous. 17 Advise my client not to answer on the 18 grounds it may incriminate her. 19 BY MS. MAYO: 20 Q. Are you going to assert the Fifth Amendment 21 in response to that question? 22 A. Yes. 23 Q. The short videos released by CMP beginning 24 in July of 2015 did not include the portions of the 25 tapes where Planned Parenthood employees said that</p>	<p style="text-align: center;">Page 139</p> <p>1 they followed fetal tissue donation laws; correct? 2 MR. KOLLER: Objection; assumes facts not 3 in evidence, lack of foundation. 4 I'd advise my client not to answer on the 5 grounds it may incriminate her. 6 BY MS. MAYO: 7 Q. Are you going to assert the Fifth Amendment 8 in response to that question? 9 A. Yes. 10 Q. Instead, in the short videos that CMP 11 released, they only included portions that made 12 Planned Parenthood look the worst it could possibly 13 look and fit CMP's narrative; correct? 14 MR. KOLLER: Objection; assumes facts not 15 in evidence, vague and ambiguous. 16 Advise my client not to answer on the 17 grounds it may incriminate her. 18 BY MS. MAYO: 19 Q. Are you going to assert the Fifth Amendment 20 in response to that question? 21 A. Yes. 22 Q. CMP's theme for the posted videos was that 23 Planned Parenthood was profiting from the sale of 24 fetal tissue; correct? 25 MR. KOLLER: Objection; assumes facts not</p>
<p style="text-align: center;">Page 140</p> <p>1 in evidence, vague and ambiguous. 2 I'd advise my client not to answer on the 3 grounds it may incriminate her. 4 BY MS. MAYO: 5 Q. Are you going to assert the Fifth Amendment 6 in response to that question? 7 A. Yes. 8 Q. The terms that CMP used in the videos it 9 posted online for the theme of profit included 10 inflammatory phrases like "body parts," "baby body 11 parts"; correct? 12 MR. KOLLER: Objection; assumes facts not 13 in evidence, lack of foundation. 14 Advise my client not to answer that on the 15 grounds it may incriminate her. 16 BY MS. MAYO: 17 Q. Are you going to assert the Fifth Amendment 18 in response to that question? 19 A. Yes. 20 Q. The videos that were released by CMP 21 beginning in July of 2015 caused public outrage 22 against Planned Parenthood; correct? 23 MR. KOLLER: Objection; assumes facts not 24 in evidence, lacks foundation. 25 I'd advise my client not to answer on the</p>	<p style="text-align: center;">Page 141</p> <p>1 grounds it may incriminate her. 2 BY MS. MAYO: 3 Q. Are you going to assert the Fifth Amendment 4 in response to that question? 5 A. Yes. 6 Q. And outrage was the intention of releasing 7 those videos to the public; correct? 8 MR. KOLLER: Objection; vague and 9 ambiguous. 10 Advise my client not to answer on the 11 grounds it may incriminate her. 12 BY MS. MAYO: 13 Q. Are you going to assert the Fifth Amendment 14 in response to that question? 15 A. Yes. 16 Q. The careful language used by CMP provoked 17 protests against Planned Parenthood; correct? 18 MR. KOLLER: Objection; assumes facts not 19 in evidence, vague and ambiguous, lacks foundation. 20 Advise my client not to answer on the 21 grounds it may incriminate her. 22 BY MS. MAYO: 23 Q. Are you going to assert the Fifth Amendment 24 in response to that question? 25 A. Yes.</p>

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<p>1 Q. And the purpose of releasing these edited 2 videos to the public was to provoke protests against 3 Planned Parenthood; correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not 5 in evidence, vague and ambiguous.</p> <p>6 Advise my client not to answer on the 7 grounds it may incriminate her.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Are you going to assert the Fifth Amendment 10 in response to that question?</p> <p>11 A. Yes.</p> <p>12 Q. And you knew that some of those outraged by 13 the videos released to the public would take out 14 their rage on Planned Parenthood healthcare centers; 15 correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence, vague and ambiguous.</p> <p>18 Advise my client not to answer that on the 19 grounds it may incriminate her.</p> <p>20 BY MS. MAYO:</p> <p>21 Q. Are you going to assert the Fifth Amendment 22 in response to that question?</p> <p>23 A. Yes.</p> <p>24 Q. And you knew that some of those outraged by 25 CMP's videos would engage in violence; correct?</p>	<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, vague and ambiguous.</p> <p>3 Advise my client not to answer on the 4 grounds it may incriminate her.</p> <p>5 BY MS. MAYO:</p> <p>6 Q. Are you going to assert the Fifth Amendment 7 in response to that question?</p> <p>8 A. Yes.</p> <p>9 MS. MAYO: It's 12:22. When did you want 10 to take a lunch break?</p> <p>11 MR. KOLLER: What do you figure, another 12 hour?</p> <p>13 MS. MAYO: I will probably have maybe 14 another hour, but then NAF's counsel has questions.</p> <p>15 MR. KOLLER: How much do you have, do you 16 think?</p> <p>17 MR. MCMANUS: Probably a little bit over an 18 hour.</p> <p>19 MR. KOLLER: Yeah, we should probably take 20 a break.</p> <p>21 MS. MAYO: Okay. This will be a good time. 22 Let's go off the record.</p> <p>23 MR. KOLLER: Okay.</p> <p>24 THE VIDEOGRAPHER: This marks the end of 25 media file labeled Number 3. Off the record at</p>
<p>1 12:23 p.m. 2 (Lunch recess taken)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 AFTERNOON SESSION 2 SATURDAY, MAY 11, 2018; 1:06 P.M.</p> <p>3</p> <p>4</p> <p>5 THE VIDEOGRAPHER: This marks the beginning 6 of media file labeled Number 4. Back on the record 7 at 1:06 p.m.</p> <p>8 BY MS. MAYO:</p> <p>9 Q. Ms. Baxter, along with releasing the videos 10 in July of 2015 CMP also posted press releases 11 online; correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not 13 in evidence.</p> <p>14 Advise my client not to answer on the 15 grounds it may incriminate her.</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Are you going to assert the Fifth Amendment 18 in response to that question?</p> <p>19 A. Yes.</p> <p>20 Q. And the press releases were intended to 21 enflame the outrage of the public in what was 22 included in the videotapes; correct?</p> <p>23 MR. KOLLER: Again, objection; assumes 24 facts not in evidence, vague and ambiguous.</p> <p>25 Ask my client -- I'd advise my client not</p>

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<p>1 to answer the question on the grounds it may 2 incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment 5 in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. Prior to publishing the videos online, CMP 8 also showed them to selected law enforcement 9 agencies in order to trigger investigations of 10 Planned Parenthood; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lack of foundation.</p> <p>13 I'd advise my client not to answer on the 14 grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the Fifth Amendment 17 in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Prior to publishing the videos, CMP showed 20 them to select legislators in order to trigger 21 attempts to defund Planned Parenthood; correct?</p> <p>22 MR. KOLLER: Objection; assumes facts not 23 in evidence, vague and ambiguous.</p> <p>24 I'd advise my client not to answer on the 25 grounds it may incriminate her.</p>	<p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 Q. You knew that when the videos were released 6 to the public that they would create outrage because 7 of the way they had been edited to reflect falsely 8 that Planned Parenthood was selling baby body parts; 9 correct? 10 MR. KOLLER: Objection; assumes facts not 11 in evidence, vague and ambiguous. 12 Advise my client not to answer that on the 13 grounds it may incriminate her. 14 BY MS. MAYO: 15 Q. Are you going to assert the Fifth Amendment 16 in response to that question? 17 A. Yes. 18 Q. And you expected that people would go and 19 protest against Planned Parenthood after watching 20 the videos that were released by CMP; correct? 21 MR. KOLLER: Objection; assumes facts not 22 in evidence, vague and ambiguous. 23 I'd advise my client not to answer on the 24 grounds it may incriminate her. 25 //</p>
<p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 Q. And you expected that some people would 6 threaten Planned Parenthood or Planned Parenthood 7 doctors after watching the videos; correct? 8 MR. KOLLER: Objection; assumes facts not 9 in evidence, vague and ambiguous. 10 Advise my client not to answer on the 11 grounds it may incriminate her. 12 BY MS. MAYO: 13 Q. Are you going to assert the Fifth Amendment 14 in response to that question? 15 A. Yes. 16 Q. You wanted people to watch the videos that 17 CMP posted about Planned Parenthood; correct? 18 MR. KOLLER: Objection; assumes facts not 19 in evidence. 20 Advise my client not to answer on the 21 grounds it may incriminate her. 22 BY MS. MAYO: 23 Q. Are you going to assert the Fifth Amendment 24 in response to that question? 25 A. Yes.</p>	<p>1 Q. And you wanted people to go protest against 2 Planned Parenthood after watching the videos that 3 CMP released in July of 2015; correct? 4 MR. KOLLER: Objection; assumes facts not 5 in evidence, vague and ambiguous. 6 Advise my client not to answer on the 7 grounds it may incriminate her. 8 BY MS. MAYO: 9 Q. Are you going to assert the Fifth Amendment 10 in response to that question? 11 A. Yes. 12 Q. And you wanted people to show up to Planned 13 Parenthood health centers and express their outrage 14 at Planned Parenthood because of what the CMP videos 15 showed; correct? 16 MR. KOLLER: Objection; assumes facts not 17 in evidence, vague and ambiguous. 18 Advise my client not to answer on the 19 grounds it may incriminate her. 20 BY MS. MAYO: 21 Q. Are you going to assert the Fifth Amendment 22 in response to that question? 23 A. Yes. 24 Q. What steps did you take to publicize CMP's 25 videos?</p>

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<p>1 MR. KOLLER: Objection; vague and 2 ambiguous, assumes facts not in evidence. 3 Advise my clients -- my client not to 4 answer that on the grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. What did you do to increase views of the 10 videos? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, vague and ambiguous. 13 Advise my client not to answer on the 14 grounds it may incriminate her. 15 BY MS. MAYO: 16 Q. Are you going to assert the Fifth Amendment 17 in response to that question? 18 A. Yes. 19 Q. What was your reaction to the videos that 20 CMP released in July of 2015? 21 MR. KOLLER: Objection; relevance, vague 22 and ambiguous. 23 I'd advise my client not to answer on the 24 grounds it may incriminate her. 25 //</p>	<p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 Q. Part of your reaction to the release of the 6 videos was to lock down your own Facebook page; 7 correct? 8 MR. KOLLER: Objection; assumes facts not 9 in evidence, vague and ambiguous. 10 Advise my client not to answer the 11 question. 12 BY MS. MAYO: 13 Q. Are you going to assert the Fifth Amendment 14 in response to that question? 15 A. Yes. 16 Q. Another reaction that you had to the 17 release of the videos by CMP in July of 2015 was to 18 wipe out your profile on the Internet to the best 19 you could; correct? 20 MR. KOLLER: Objection; assumes facts not 21 in evidence, vague and ambiguous. 22 Advise my client not to answer on the 23 grounds it may incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert the Fifth Amendment</p>
<p>1 in response to that question? 2 A. Yes. 3 Q. In fact, you were concerned about being 4 associated with the CMP videos; correct? 5 MR. KOLLER: Objection; assumes facts not 6 in evidence, vague and ambiguous. 7 Advise my client not to answer that on the 8 grounds it may incriminate her. 9 BY MS. MAYO: 10 Q. Are you going to assert the Fifth Amendment 11 in response to that question? 12 A. Yes. 13 MS. MAYO: I'm going to mark as Exhibit 543 14 a document that is Bates-numbered CM19457. 15 (Deposition Exhibit 543 was marked for 16 identification) 17 MR. KOLLER: Thank you. 18 THE WITNESS: (Reviewing document.) 19 BY MS. MAYO: 20 Q. Ms. Baxter, have you seen Exhibit 543 21 before today? 22 MR. KOLLER: I'd advise my client not to 23 answer that on the grounds it may incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert the Fifth Amendment</p>	<p>1 in response to that question? 2 A. Yes. 3 Q. Exhibit 543 begins at the bottom with an 4 e-mail from Father Claude Williams to David Daleiden 5 with a subject "Brianna Allen Credit Card 6 Controversy." 7 First of all, who is Father Claude 8 Williams? 9 MR. KOLLER: I'd advise my client not to 10 answer that on the grounds it may incriminate her. 11 BY MS. MAYO: 12 Q. Are you going to assert your Fifth 13 Amendment right in response to that question? 14 A. Yes. 15 Q. Father Claude Williams was an advisor to 16 CMP in connection with the undercover video project; 17 correct? 18 MR. KOLLER: Objection; assumes facts not 19 in evidence, vague and ambiguous. 20 I'd advise my client not to answer on the 21 grounds it may incriminate her. 22 BY MS. MAYO: 23 Q. Are you going to assert the Fifth Amendment 24 in response to that question? 25 A. Yes.</p>

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<p>1 Q. The next e-mail in the chain from David 2 Daleiden to you says: 3 "May want to start hiding your FB." 4 Mr. Daleiden was suggesting that you start 5 hiding your Facebook page; correct? 6 MR. KOLLER: I'd object as to lack of 7 foundation, vague and ambiguous. 8 I'd advise my client not to answer on the 9 grounds it may incriminate her. 10 BY MS. MAYO: 11 Q. Are you going to assert the Fifth Amendment 12 in response to that question? 13 A. Yes. 14 Q. Your response to Mr. Daleiden was: 15 "Dangit! Thanks for the heads-up." 16 Is that correct? 17 MR. KOLLER: Objection; vague and 18 ambiguous. 19 I'd ask my client not to answer on the 20 grounds it may incriminate her. 21 BY MS. MAYO: 22 Q. Are you going to assert the Fifth Amendment 23 in response to that question? 24 A. Yes. 25 Q. You were grateful to Mr. Daleiden for</p>	<p>1 giving you a warning that people might be on to the 2 fact that you were involved in his undercover video 3 project; correct? 4 MR. KOLLER: I'd object vague and 5 ambiguous. 6 I'd advise my client not to answer on the 7 grounds it may incriminate her. 8 BY MS. MAYO: 9 Q. Are you going to assert the Fifth Amendment 10 in response to that question? 11 A. Yes. 12 Q. Mr. Daleiden says: 13 "I think there was a photographer at NAF so 14 they must have got the photo from those 15 archives." 16 Mr. Daleiden was referring to the photo of 17 you that is depicted in Exhibit 542; correct? 18 MR. KOLLER: I'd object assumes facts not 19 in evidence. 20 Advise my client not to answer on the 21 grounds it may incriminate her. 22 BY MS. MAYO: 23 Q. Are you going to assert the Fifth Amendment 24 in response to that question? 25 A. Yes.</p>
<p style="text-align: center;">Page 156</p> <p>1 Q. And in response to Mr. Daleiden, you wrote: 2 "My Facebook is all set, but there is a 3 news article from a few years ago with a 4 picture that I can't do anything about." 5 So in response to Mr. Daleiden's warning, 6 you went ahead and started hiding your Facebook 7 account or locking down your Facebook account as 8 Mr. Daleiden suggested; correct? 9 MR. KOLLER: I'd object assumes facts not 10 in evidence. 11 I'd advise my client not to answer on the 12 grounds it may incriminate her. 13 BY MS. MAYO: 14 Q. Are you going to assert the Fifth Amendment 15 in response to that question? 16 A. Yes. 17 Q. You were hiding your Facebook profile when 18 the CMP videos were released because you weren't 19 very proud of the fact that you were lying to people 20 in order to get them to talk to you at conferences 21 of reproductive healthcare providers; correct? 22 MR. KOLLER: Objection; assumes facts not 23 in evidence. 24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>	<p style="text-align: center;">Page 157</p> <p>1 BY MS. MAYO: 2 Q. Are you going to assert your Fifth 3 Amendment right in response to that question? 4 A. Yes. 5 Q. And you were hiding your Facebook profile 6 because you were afraid of backlash from the fact 7 that you were lying in order to infiltrate 8 conferences; correct? 9 MR. KOLLER: Objection; assumes facts not 10 in evidence. 11 I'd advise my client not to answer on the 12 grounds it may incriminate her. 13 BY MS. MAYO: 14 Q. Are you going to assert the Fifth Amendment 15 in response to that question? 16 A. Yes. 17 Q. Did you personally contact any pro-life 18 organizations to encourage them to watch the videos? 19 MR. KOLLER: Objection; vague and 20 ambiguous. 21 I'd advise my client not to answer on the 22 grounds it may incriminate her. 23 BY MS. MAYO: 24 Q. Are you going to assert the Fifth Amendment 25 in response to that question?</p>

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<p>1 A. Yes.</p> <p>2 Q. CMP reached out to a number of pro-life or 3 anti-abortion organizations to encourage them to 4 spread the word about the videos; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, vague and ambiguous.</p> <p>7 Advise my client not to answer on the 8 grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert the Fifth Amendment 11 in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have any involvement with the group 14 Protest PP?</p> <p>15 MR. KOLLER: I'm going to advise my client 16 not to answer that on the grounds it may incriminate 17 her.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert the Fifth Amendment 20 in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. There was a huge amount of public outrage 23 after the videos were released by CMP beginning in 24 July of 2015; correct?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>	<p>1 in evidence.</p> <p>2 Advise my client not to answer that on 3 Fifth Amendment grounds.</p> <p>4 BY MS. MAYO:</p> <p>5 Q. Are you going to assert the Fifth Amendment 6 in response to that question?</p> <p>7 A. Yes.</p> <p>8 Q. In fact, you knew that there were threats 9 made against Planned Parenthood healthcare centers 10 after the videos were posted; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence.</p> <p>13 I'd advise my client not to answer on the 14 grounds it may incriminate her.</p> <p>15 BY MS. MAYO:</p> <p>16 Q. Are you going to assert the Fifth Amendment 17 in response to that question?</p> <p>18 A. Yes.</p> <p>19 Q. And you knew that there were threats made 20 against specific Planned Parenthood doctors who 21 appeared in the altered videos by CMP; correct?</p> <p>22 MR. KOLLER: Objection; assumes facts not 23 in evidence.</p> <p>24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>
<p style="text-align: center;">Page 160</p> <p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert the Fifth Amendment 3 in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Did you participate in any protests related 6 to the videos released by CMP?</p> <p>7 MR. KOLLER: Objection; lacks foundation, 8 vague and ambiguous.</p> <p>9 Advise my client not to answer on the 10 grounds it may incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert the Fifth Amendment 13 in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. In fact, CMP was involved in planning 16 protests outside of Planned Parenthood clinics 17 following the release of the videos; correct?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence.</p> <p>20 I'd advise my client not to answer on the 21 grounds it may incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert the Fifth Amendment 24 in response to that question?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 161</p> <p>1 Q. Following the release of the videotapes, 2 you heard that there had been a shooting at a 3 Planned Parenthood healthcare center in Colorado 4 Springs; correct?</p> <p>5 MR. KOLLER: I'd advise my client not to 6 answer that on the grounds it may incriminate her.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert the Fifth Amendment 9 in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. In fact, at that shooting at the Planned 12 Parenthood healthcare center in Colorado Springs, a 13 number of people were killed and injured; correct?</p> <p>14 MR. KOLLER: I'd object that assumes facts 15 not in evidence.</p> <p>16 I'd advise my client not to testify -- not 17 to answer that on the Fifth Amendment grounds.</p> <p>18 BY MS. MAYO:</p> <p>19 Q. Are you going to assert the Fifth Amendment 20 in response to that question?</p> <p>21 A. Yes.</p> <p>22 Q. And police officers were killed in 23 connection with that shooting at the healthcare 24 center, the Planned Parenthood healthcare center, in 25 Colorado Springs; correct?</p>

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<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence. 3 I'd advise my client not to answer on the 4 grounds it may incriminate her. 5 BY MS. MAYO: 6 Q. Are you going to assert the Fifth Amendment 7 in response to that question? 8 A. Yes. 9 Q. And the shooter at the Planned Parenthood 10 center in Colorado Springs was heard talking about 11 baby body parts in connection with that shooting; 12 correct? 13 MR. KOLLER: Objection; assumes facts not 14 in evidence. 15 I'd advise my client not to answer that on 16 the grounds it may incriminate her. 17 BY MS. MAYO: 18 Q. Are you going to assert the Fifth Amendment 19 in response to that question? 20 A. Yes. 21 Q. In fact, the videos released by CMP 22 instigated Robert Dear to engage in that shooting 23 incident at the Planned Parenthood healthcare center 24 in Colorado Springs; correct? 25 MR. KOLLER: Object; assumes facts not in</p>	<p>1 evidence, lacks foundation. 2 I'd advise my client not to answer that on 3 the grounds it might incriminate her. 4 MR. KOZINA: I'm also going to object -- 5 sorry. 6 I'm also going to object on the basis 7 that's a bad faith question since Planned Parenthood 8 specifically, in a court document, has asserted 9 there was no way of knowing Mr. Dear was going to do 10 this and there is no connection to the videos. 11 MS. MAYO: Well, that statement is 12 incorrect, but you've made your statement for the 13 record. 14 BY MS. MAYO: 15 Q. Ms. Baxter, are you going to assert your 16 Fifth Amendment in response to that question? 17 A. Yes. 18 Q. CMP never spoke out about the violence 19 against Planned Parenthood that was caused by its 20 release of videotapes; correct? 21 MR. KOLLER: I'd object it assumes facts 22 not in evidence, lacks foundation, vague and 23 ambiguous. 24 I'd advise my client not to answer on the 25 grounds it may incriminate her.</p>
<p style="text-align: center;">Page 164</p> <p>1 BY MS. MAYO: 2 Q. Are you going to assert the Fifth Amendment 3 in response to that question? 4 A. Yes. 5 Q. And you never spoke out about the violence 6 against Planned Parenthood following the release of 7 CMP's videos; correct? 8 MR. KOLLER: Object; assumes facts not in 9 evidence. 10 I'd advise my client not to answer on the 11 grounds it may incriminate her. 12 BY MS. MAYO: 13 Q. Are you going to assert the Fifth Amendment 14 in response to that question? 15 A. Yes. 16 Q. And CMP did nothing to stop the violence 17 against Planned Parenthood caused by the release of 18 its videos; correct? 19 MR. KOLLER: Objection; vague and 20 ambiguous, lacks foundation, assumes facts not in 21 evidence. 22 I'd advise my client not to answer on the 23 grounds it may incriminate her. 24 BY MS. MAYO: 25 Q. Are you going to assert the Fifth</p>	<p style="text-align: center;">Page 165</p> <p>1 Amendment in response -- 2 MR. KOZINA: Object. Assumes a duty on the 3 part of CMP to undertake any action. 4 BY MS. MAYO: 5 Q. Are you going to assert the Fifth Amendment 6 in response to that question? 7 A. Yes. 8 MR. KOLLER: Are we boring you? 9 MS. MAYO: I'm hurt. 10 THE WITNESS: I've been sitting too long. 11 BY MS. MAYO: 12 Q. Ms. Baxter, how would you characterize your 13 current relationship with David Daleiden? 14 MR. KOLLER: Objection; assumes facts not 15 in evidence. 16 I'd advise my client not to answer that on 17 the grounds it may incriminate her. 18 BY MS. MAYO: 19 Q. Are you going to assert your Fifth 20 Amendment right in response to that question? 21 A. Yes. 22 Q. Are you angry with David Daleiden at all 23 for getting you involved in this? 24 MR. KOLLER: Objection; assumes facts not 25 in evidence, vague and ambiguous.</p>

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<p>1 Advise my client not to answer on the 2 grounds it may incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment 5 in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. When did you first meet Susan Merritt?</p> <p>8 MR. KOLLER: Objection; assumes facts not 9 in evidence, lacks foundation.</p> <p>10 I'd advise my client not to answer on the 11 grounds it may incriminate her.</p> <p>12 BY MS. MAYO:</p> <p>13 Q. Are you going to assert the Fifth Amendment 14 in response to that question?</p> <p>15 A. Yes.</p> <p>16 Q. How would you characterize your current 17 relationship with Ms. Merritt?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence.</p> <p>20 I'd advise my client not to answer on the 21 grounds it may incriminate her.</p> <p>22 BY MS. MAYO:</p> <p>23 Q. Are you going to assert the Fifth Amendment 24 in response to that question?</p> <p>25 A. Yes.</p>	<p>1 Q. When was the last time you spoke with Susan 2 Merritt?</p> <p>3 MR. KOLLER: Objection; assumes facts not 4 in evidence.</p> <p>5 Advise my client not to answer on the 6 grounds it may incriminate her.</p> <p>7 BY MS. MAYO:</p> <p>8 Q. Are you going to assert the Fifth Amendment 9 in response to that question?</p> <p>10 A. Yes.</p> <p>11 Q. Have you met Adrian Lopez?</p> <p>12 MR. KOLLER: Objection; vague and 13 ambiguous.</p> <p>14 I'd advise my client not to answer on the 15 grounds it may incriminate her.</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Are you going to assert the Fifth Amendment 18 in response to that question?</p> <p>19 A. Yes.</p> <p>20 Q. How would you characterize your current 21 relationship with Adrian Lopez?</p> <p>22 MR. KOLLER: Objection; assumes facts not 23 in evidence, vague and ambiguous.</p> <p>24 I'd advise my client not to answer that on 25 the grounds it may incriminate her.</p>
<p>1 BY MS. MAYO:</p> <p>2 Q. Are you going to assert the Fifth Amendment 3 right in response to that question?</p> <p>4 A. Yes.</p> <p>5 Q. When was the last time you spoke with 6 Adrian Lopez?</p> <p>7 MR. KOLLER: Objection; assumes facts not 8 in evidence, vague and ambiguous.</p> <p>9 I'd advise my client not to answer on the 10 grounds it may incriminate her.</p> <p>11 BY MS. MAYO:</p> <p>12 Q. Are you going to assert the Fifth Amendment 13 in response to that question?</p> <p>14 A. Yes.</p> <p>15 Q. You know that Troy Newman is the president 16 of Operation Rescue; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence.</p> <p>19 I'd advise my client not to answer on the 20 grounds it may incriminate her.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert the Fifth Amendment 23 in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. Have you met Troy Newman?</p>	<p>1 MR. KOLLER: Objection; vague and 2 ambiguous.</p> <p>3 I'd advise my client not to answer that on 4 the grounds it might incriminate her.</p> <p>5 BY MS. MAYO:</p> <p>6 Q. Are you going to assert the Fifth Amendment 7 in response to that question?</p> <p>8 A. Yes.</p> <p>9 Q. And you knew that Operation Rescue has long 10 promoted stopping abortion providers through any 11 means necessary; correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not 13 in evidence, vague and ambiguous, lacks foundation.</p> <p>14 I'd advise my client not to answer on the 15 grounds it may incriminate her.</p> <p>16 BY MS. MAYO:</p> <p>17 Q. Are you going to assert the Fifth 18 Amendment --</p> <p>19 MR. KOZINA: And I'll object on the basis 20 that it misstates facts.</p> <p>21 BY MS. MAYO:</p> <p>22 Q. Are you going to assert the Fifth Amendment 23 in response to that question?</p> <p>24 A. Yes.</p> <p>25 Q. And you knew that working with an</p>

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<p>1 organization that Troy Newman was a part of would 2 risk you being associated with an organization that 3 wants to put an end to all abortions by any means 4 necessary; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, vague and ambiguous.</p> <p>7 I'd advise my client not to answer on the 8 grounds it may incriminate her.</p> <p>9 BY MS. MAYO:</p> <p>10 Q. Are you going to assert the Fifth Amendment 11 in response to that question?</p> <p>12 A. Yes.</p> <p>13 Q. When was the last time you spoke with 14 Mr. Newman?</p> <p>15 MR. KOLLER: Objection; vague and 16 ambiguous.</p> <p>17 Advise my client not to answer that on the 18 grounds it may incriminate her.</p> <p>19 BY MS. MAYO:</p> <p>20 Q. Are you going to assert the Fifth Amendment 21 in response to that question?</p> <p>22 A. Yes.</p> <p>23 Q. You've met Albin Rhomberg; correct?</p> <p>24 MR. KOLLER: Objection; assumes facts not 25 in evidence.</p>	<p>1 I'd advise my client not to answer on the 2 grounds it may incriminate her.</p> <p>3 BY MS. MAYO:</p> <p>4 Q. Are you going to assert the Fifth Amendment 5 in response to that question?</p> <p>6 A. Yes.</p> <p>7 Q. And you met Albin Rhomberg in connection 8 with the CMP video project; correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not 10 in evidence.</p> <p>11 I'd advise my client not to answer on the 12 grounds it may incriminate her.</p> <p>13 BY MS. MAYO:</p> <p>14 Q. Are you going to assert the Fifth Amendment 15 in response to that question?</p> <p>16 A. Yes.</p> <p>17 Q. When was the last time you spoke with Albin 18 Rhomberg?</p> <p>19 MR. KOLLER: Objection; assumes facts not 20 in evidence.</p> <p>21 I'd advise my client not to answer that on the 22 grounds it may incriminate her.</p> <p>23 BY MS. MAYO:</p> <p>24 Q. Are you going to assert the Fifth Amendment 25 in response to that question?</p>
<p style="text-align: center;">Page 172</p> <p>1 A. Yes.</p> <p>2 MS. MAYO: I'm going to pass the witness 3 now to counsel for NAF to question, subject to any 4 follow-up questions that I may have based on his 5 testimony -- or his questioning and Ms. Baxter's 6 testimony.</p> <p>7 We should probably go off the record so 8 that we can switch places.</p> <p>9 MR. KOLLER: However you want to do it.</p> <p>10 THE VIDEOGRAPHER: This marks the end of 11 media file labeled Number 4. Off the record at 1:35 12 p.m.</p> <p>13 (Pause in the proceedings)</p> <p>14 THE VIDEOGRAPHER: This marks the beginning 15 of media file labeled Number 5. Back on the record 16 at 1:37 p.m.</p> <p>17</p> <p>18 EXAMINATION</p> <p>19 BY MR. MCMANUS:</p> <p>20 Q. Good afternoon, Ms. Baxter. My name is 21 Spencer McManus, and I represent the National 22 Abortion Federation.</p> <p>23 If I abbreviate that as "NAF" today, will 24 you understand me to mean the National Abortion 25 Federation?</p>	<p style="text-align: center;">Page 173</p> <p>1 A. Yes.</p> <p>2 Q. You testified earlier that you were aware 3 of a group called Live Action; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Live Action is a pro-life advocacy group 6 that engaged in so-called sting operations by taking 7 surreptitiously video of Planned Parenthood events 8 and clinics and releasing viral videos of those 9 encounters online; correct?</p> <p>10 MR. KOLLER: Object; assumes facts not in 11 evidence.</p> <p>12 Advise my client not to answer on the 13 grounds it may incriminate her.</p> <p>14 BY MR. MCMANUS:</p> <p>15 Q. Do you intend to take the Fifth Amendment 16 with respect to that question?</p> <p>17 A. Yes.</p> <p>18 Q. The purpose of those videos was to create 19 public outrage at Planned Parenthood and other 20 abortion providers; correct?</p> <p>21 MR. KOLLER: Objection; assumes facts not 22 in evidence, asked and answered.</p> <p>23 Advise my client not to answer on the 24 grounds it may incriminate her.</p> <p>25 //</p>

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<p>1 BY MR. McMANUS:</p> <p>2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know Lila Rose, the founder of Live 6 Action?</p> <p>7 MR. KOLLER: Advise my client not to answer 8 that on the grounds it may incriminate her. 9 And assumes facts not in evidence.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to take the Fifth Amendment 12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. In one video Lila Rose, who was then 19, 15 walked into a Planned Parenthood clinic claiming she 16 was a 15-year-old sex worker who had been 17 impregnated by a 23-year-old male in an undercover 18 sting video designed to create a narrative that 19 Planned Parenthood condones child sex trafficking; 20 is that correct?</p> <p>21 MR. KOLLER: Objection; assumes facts not 22 in evidence, lack of foundation, vague and 23 ambiguous. 24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>	<p>1 BY MR. McMANUS:</p> <p>2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Lila Rose went on to create more videos at 6 Planned Parenthood facilities in which actors played 7 roles as pimps and prostitutes and solicited advice 8 from Planned Parenthood staff on how to procure 9 abortions; correct?</p> <p>10 MR. KOLLER: Objection; assumes facts not 11 in evidence, vague and ambiguous. 12 Advise my client not to answer on the 13 grounds it may incriminate her.</p> <p>14 BY MR. McMANUS:</p> <p>15 Q. Do you intend to take the Fifth Amendment 16 with respect to that question?</p> <p>17 A. Yes.</p> <p>18 Q. Did your work in high school in your group 19 affiliated with Live Action involve surreptitiously 20 recording events at Planned Parenthood clinics or 21 other facilities of abortion providers?</p> <p>22 MR. KOLLER: Objection; vague and 23 ambiguous. 24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>
<p style="text-align: center;">Page 176</p> <p>1 BY MR. McMANUS:</p> <p>2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Mr. Daleiden also worked for Live Action; 6 correct?</p> <p>7 MR. KOLLER: Objection; lacks foundation. 8 Advise my client not to answer that on the 9 grounds it may incriminate her.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to take the Fifth Amendment 12 with respect no that question?</p> <p>13 A. Yes.</p> <p>14 Q. Through the Center for Medical Progress 15 Mr. Daleiden wanted to extend what he was doing at 16 Live Action by creating undercover sting videos of 17 NAF members and Planned Parenthood officials; 18 correct?</p> <p>19 MR. KOLLER: Objection; assumes facts not 20 in evidence, vague and ambiguous. 21 Advise my client not to answer on the 22 grounds it may incriminate her.</p> <p>23 BY MR. McMANUS:</p> <p>24 Q. Do you intend to take the Fifth Amendment 25 with respect to that question?</p>	<p style="text-align: center;">Page 177</p> <p>1 A. Yes.</p> <p>2 Q. One of CMP's goals was to create public 3 outrage toward NAF and Planned Parenthood officials 4 by releasing viral undercover sting videos relating 5 to fetal tissue donation issues; correct?</p> <p>6 MR. KOLLER: Objection; assumes facts not 7 in evidence. 8 Advise my client not to answer on the 9 grounds it may incriminate her.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to take the Fifth Amendment 12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. Another of CMP's goals was to advocate for 15 the defunding of Planned Parenthood; correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence, lack of foundation. 18 Advise my client not to answer on the 19 grounds it may incriminate her.</p> <p>20 BY MR. McMANUS:</p> <p>21 Q. Do you intend to take the Fifth Amendment 22 with respect to that question?</p> <p>23 A. Yes.</p> <p>24 Q. Another of CMP's goals was to influence 25 legislation on the topic of abortion; correct?</p>

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<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence.</p> <p>3 Advise my client not to answer on the 4 grounds it may incriminate her.</p> <p>5 BY MR. MCMANUS:</p> <p>6 Q. Do you intend to take the Fifth Amendment 7 with respect to that question?</p> <p>8 A. Yes.</p> <p>9 Q. I'd like to briefly turn back to what's 10 been marked as Exhibit 532.</p> <p>11 Again, for the record, this is an e-mail 12 from David Daleiden to a redacted e-mail address, 13 copying Annamarie Bettisworth. The subject is 14 "Introductory Materials" with the attachment of a 15 NondisclosureAgreement.pdf.</p> <p>16 Did you sign this nondisclosure agreement 17 that David Daleiden sent you on August 21st, 2013?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence.</p> <p>20 Advise my client not to answer on the 21 grounds it may incriminate her.</p> <p>22 BY MR. MCMANUS:</p> <p>23 Q. Do you intend to take the Fifth Amendment 24 with respect to that question?</p> <p>25 A. Yes.</p>	<p>1 Q. Did you intend to honor this nondisclosure 2 agreement with David Daleiden when you signed it?</p> <p>3 MR. KOLLER: Objection; assumes facts not 4 in evidence.</p> <p>5 Advise my client not to answer on the 6 grounds it may incriminate her.</p> <p>7 BY MR. MCMANUS:</p> <p>8 Q. Do you intend to take the Fifth Amendment 9 with respect to that question?</p> <p>10 A. Yes.</p> <p>11 Q. The intent behind this nondisclosure 12 agreement marked as Exhibit 532 was that CMP could 13 keep secret the true nature of its undercover 14 operations until it chose to go public with them; 15 correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence --</p> <p>18 MR. KOZINA: Objection; document speaks for 19 itself.</p> <p>20 THE REPORTER: I'm sorry?</p> <p>21 MR. KOZINA: Objection; document speaks for 22 itself.</p> <p>23 MR. KOLLER: I'd advise my client not to 24 answer on the grounds it may incriminate her.</p> <p>25 //</p>
<p style="text-align: center;">Page 180</p> <p>1 BY MR. MCMANUS:</p> <p>2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Because if those operations became public 6 before CMP wanted them to, that could jeopardize 7 CMP's undercover operations because abortion 8 providers would not want people with those types of 9 pro-life views at their conferences; correct?</p> <p>10 MR. KOLLER: Objection; assumes facts not 11 in evidence, vague and ambiguous, lacks foundation, 12 calls for a legal conclusion.</p> <p>13 I'd advise my client not to answer on the 14 grounds it may incriminate her.</p> <p>15 BY MR. MCMANUS:</p> <p>16 Q. Do you intend to take the Fifth Amendment 17 with respect to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Did you understand that the nondisclosure 20 agreement that's marked as Exhibit 532 that 21 Mr. Daleiden asked you to sign in connection with 22 your work for CMP also protected your identity from 23 unauthorized disclosure to others?</p> <p>24 MR. KOLLER: Objection; assumes facts not 25 in evidence, vague and ambiguous.</p>	<p style="text-align: center;">Page 181</p> <p>1 Advise my client not to answer on the 2 grounds it may incriminate her.</p> <p>3 BY MR. MCMANUS:</p> <p>4 Q. Do you intend to take the Fifth Amendment 5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 Q. Did you understand that the nondisclosure 8 agreement marked as Exhibit 532 that Mr. Daleiden 9 asked you to sign in connection with your work for 10 CMP also provided for injunctive relief as a remedy?</p> <p>11 MR. KOLLER: I'd object it assumes facts 12 not in evidence, calls for a legal conclusion, vague 13 and ambiguous.</p> <p>14 And advise my client not to answer on the 15 grounds it may incriminate her.</p> <p>16 BY MR. MCMANUS:</p> <p>17 Q. Do you intend to take the Fifth Amendment 18 with respect to that question?</p> <p>19 A. Yes.</p> <p>20 Q. Do you understand that injunctive relief 21 can prohibit you from disclosing information that's 22 covered under the injunction?</p> <p>23 MR. KOLLER: Objection; assumes facts not 24 in evidence, calls for a legal conclusion, vague and 25 ambiguous.</p>

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<p>1 Advise my client not to answer on the 2 grounds it may incriminate her.</p> <p>3 BY MR. MCMANUS:</p> <p>4 Q. Do you intend to take the Fifth Amendment 5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 MR. MCMANUS: I'd like to mark as Exhibit 8 544 this document with a Bates-stamped CM02525. It 9 is an e-mail from David Daleiden to Brianna Baxter, 10 dated August 31st, 2013, with the subject "More 11 Materials."</p> <p>12 (Deposition Exhibit 544 was marked for 13 identification)</p> <p>14 BY MR. MCMANUS:</p> <p>15 Q. Ms. Baxter, do you recognize this document 16 that's been labeled as Exhibit 544?</p> <p>17 MR. KOLLER: I would advise my client not 18 to answer that on the grounds it may incriminate 19 her.</p> <p>20 BY MR. MCMANUS:</p> <p>21 Q. Do you intend to take the Fifth Amendment 22 with respect to that question?</p> <p>23 A. Yes.</p> <p>24 Q. This e-mail was sent to you ten days after 25 the e-mail that attached the nondisclosure agreement</p>	<p>1 that's shown in Exhibit 532; correct?</p> <p>2 MR. KOLLER: Objection; assumes facts not 3 in evidence.</p> <p>4 Advise my client not to answer on the 5 grounds it may incriminate her.</p> <p>6 BY MR. MCMANUS:</p> <p>7 Q. Do you intend to take the Fifth Amendment 8 with respect to that question?</p> <p>9 A. Yes.</p> <p>10 Q. In this e-mail, Mr. Daleiden says: 11 "Hi Brianna, Please log into the Gmail 12 account" -- and then a redacted e-mail 13 account -- "for more materials. Let me 14 know if you have any questions!"</p> <p>15 So Mr. Daleiden was asking you to log into 16 a Gmail account to access more materials related to 17 CMP's undercover video operation; correct?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence.</p> <p>20 Advise my client not to answer on the 21 grounds it may incriminate her.</p> <p>22 BY MR. MCMANUS:</p> <p>23 Q. Do you intend to take the Fifth Amendment 24 with respect to that question?</p> <p>25 A. Yes.</p>
<p>1 Page 184</p> <p>2 Q. Was the e-mail account that Mr. Daleiden 3 asked you to log in to brianna@biomaxps.com?</p> <p>4 MR. KOLLER: Objection; vague and 5 ambiguous, lacks foundation, assumes facts not in 6 evidence.</p> <p>7 I'd advise my client not to answer on the 8 grounds it may incriminate her.</p> <p>9 BY MR. MCMANUS:</p> <p>10 Q. Do you intend to take the Fifth Amendment 11 with respect to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever log in to the Gmail account 14 that Mr. Daleiden asked you to log in to in this 15 e-mail which has been marked as Exhibit 544?</p> <p>16 MR. KOLLER: Objection; vague and 17 ambiguous.</p> <p>18 Advise my client not to answer on the 19 grounds it may incriminate her.</p> <p>20 BY MR. MCMANUS:</p> <p>21 Q. Do you intend to take the Fifth Amendment 22 with respect to that question?</p> <p>23 A. Yes.</p> <p>24 Q. Did you download any materials that 25 Mr. Daleiden asked you to look at in the logged in Gmail account depicted in Exhibit 544?</p>	<p>1 Page 185</p> <p>2 MR. KOLLER: Objection; assumes facts not 3 in evidence.</p> <p>4 Advise my client not to answer on the 5 grounds it may incriminate her.</p> <p>6 BY MR. MCMANUS:</p> <p>7 Q. Do you intend to take the Fifth Amendment 8 with respect to that question?</p> <p>9 A. Yes.</p> <p>10 Q. Did you keep any of the materials that 11 Mr. Daleiden asked you to look at in this e-mail 12 that's been marked as Exhibit 544?</p> <p>13 MR. KOLLER: Objection; assumes facts not 14 in evidence, vague and ambiguous.</p> <p>15 Advise my client not to answer on the 16 grounds it may incriminate her.</p> <p>17 BY MR. MCMANUS:</p> <p>18 Q. Do you intend to take the Fifth Amendment 19 with respect to that question?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever follow up with Mr. Daleiden 22 with any questions as he asked you to in Exhibit 23 544?</p> <p>24 MR. KOLLER: Objection; assumes facts not 25 in evidence.</p> <p> Advise my client not to answer on the</p>

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<p>1 grounds it may incriminate her.</p> <p>2 BY MR. McMANUS:</p> <p>3 Q. Do you intend to take the Fifth Amendment 4 with respect to that question?</p> <p>5 A. Yes.</p> <p>6 MR. McMANUS: I'd like to mark the 7 following documents as Exhibits 545 and 546.</p> <p>8 Exhibit 545 is a document Bates-stamped 9 CM03481. It is an e-mail on February 17th, 2014, 10 from David Daleiden to a Brianna.</p> <p>11 (Deposition Exhibit 545 was marked for 12 identification)</p> <p>13 MR. McMANUS: And Exhibit 546 is another 14 e-mail, dated February 14th, 2014, from a David 15 Daleiden to a Brianna. It is Bates-stamped CM03493.</p> <p>16 (Deposition Exhibit 546 was marked for 17 identification)</p> <p>18 BY MR. McMANUS:</p> <p>19 Q. I'll give you a minute to review the 20 document.</p> <p>21 A. (Reviewing document.)</p> <p>22 Q. Ms. Baxter, have you seen either of these 23 documents prior to today?</p> <p>24 MR. KOLLER: I'd advise my client not to 25 answer on the grounds it may incriminate her.</p>	<p>1 BY MR. McMANUS:</p> <p>2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. Ms. Baxter, in this e-mail David Daleiden 6 attaches as screenshots an e-mail --</p> <p>7 MR. KOLLER: Just a question, Counsel. I'm 8 sorry. You said "this e-mail." There are two 9 exhibits.</p> <p>10 MR. McMANUS: My apologies.</p> <p>11 BY MR. McMANUS:</p> <p>12 Q. In Exhibit 545 Mr. Daleiden attaches a 13 series of images that appear to be a chain of 14 e-mails between a brianna@biomaxps and various NAF 15 and Planned Parenthood representatives; is that 16 correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence.</p> <p>19 Advise my client not to answer on the 20 grounds it may incriminate her.</p> <p>21 BY MR. McMANUS:</p> <p>22 Q. Do you intend to take the Fifth Amendment 23 with respect to that question?</p> <p>24 A. Yes.</p> <p>25 Q. In the first e-mail on the chain, from what</p>
<p>1 appears to be November 27th, 2013, someone claiming 2 to be Brianna Allen, a procurement assistant at 3 BioMax, LLC, e-mails a redacted e-mail address; is 4 that correct?</p> <p>5 MR. KOLLER: I'd object. Assumes facts not 6 in evidence. The document speaks for itself.</p> <p>7 And I'd advise my client not to answer on 8 the grounds it may incriminate her.</p> <p>9 BY MR. McMANUS:</p> <p>10 Q. Do you intend to take the Fifth Amendment 11 with respect to that question?</p> <p>12 A. Yes.</p> <p>13 Q. In that same e-mail, the second paragraph, 14 it says:</p> <p>15 "I was hoping to catch you before all the 16 Thanksgiving/holiday craziness starts here 17 about reserving exhibitor space at the 18 conference your organization will have in 19 San Francisco. We were too late to reserve 20 space for ARHP, and I feel like you 21 mentioned something about an 22 end-of-the-year deadline?"</p> <p>23 Did I read that correctly?</p> <p>24 MR. KOLLER: Yes. You're asking me or 25 my --</p>	<p>1 THE WITNESS: Yes, you read it correctly.</p> <p>2 BY MR. McMANUS:</p> <p>3 Q. The -- when the person claiming to be 4 Brianna Allen says "I was hoping to catch you," and 5 then goes on, "about reserving exhibitor space at 6 the conference your organization will have in San 7 Francisco," that refers to the NAF 2014 annual 8 meeting; correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not 10 in evidence.</p> <p>11 Advise my client not to answer on the 12 grounds it may incriminate her.</p> <p>13 BY MR. McMANUS:</p> <p>14 Q. Do you intend to take the Fifth Amendment 15 with respect to that question?</p> <p>16 A. Yes.</p> <p>17 Q. Did you send this e-mail from the 18 brianna@biomaxps.com e-mail account?</p> <p>19 MR. KOLLER: Objection; vague and 20 ambiguous.</p> <p>21 I'd advise my client not to answer on the 22 grounds it may incriminate her.</p> <p>23 BY MR. McMANUS:</p> <p>24 Q. Do you intend to take the Fifth Amendment 25 with respect to that question?</p>

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<p>1 A. Yes.</p> <p>2 Q. You didn't ever send any e-mails from the 3 brianna@biomaxps.com e-mail account; correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not 5 in evidence.</p> <p>6 I'd advise my client not to answer that on 7 the grounds it may incriminate her.</p> <p>8 BY MR. MCMANUS:</p> <p>9 Q. Do you intend to take the Fifth Amendment 10 with respect to that question?</p> <p>11 A. Yes.</p> <p>12 Q. Mr. Daleiden was the only one sending 13 e-mails from the brianna@biomaxps.com account; 14 correct?</p> <p>15 MR. KOLLER: Objection; assumes facts not 16 in evidence, vague and ambiguous.</p> <p>17 I'd advise my client not to answer that on 18 the grounds it may incriminate her.</p> <p>19 BY MR. MCMANUS:</p> <p>20 Q. Do you intend to take the Fifth Amendment 21 with respect to that question?</p> <p>22 A. Yes.</p> <p>23 Q. Mr. Daleiden forwarded you these e-mails so 24 that when you posed at Brianna Allen at the 2014 NAF 25 annual meeting you would be familiar with the people</p>	<p>1 who corresponded with the brianna@biomaxps.com 2 account; correct?</p> <p>3 MR. KOLLER: Objection; assumes facts not 4 in evidence, vague and ambiguous.</p> <p>5 I'd advise my client not to answer on the 6 grounds it may incriminate her.</p> <p>7 BY MR. MCMANUS:</p> <p>8 Q. Do you intend to take the Fifth Amendment 9 with respect to that question?</p> <p>10 A. Yes.</p> <p>11 Q. If Mr. Daleiden had not forwarded you these 12 e-mails shown in Exhibits 544 -- or 545 and 546 and 13 you met these people in person at the NAF 2014 14 annual meeting, they would have became suspicious of 15 you if you didn't recall having e-mail conversations 16 with them; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence, lacks foundation, vague and ambiguous.</p> <p>19 Advise my client not to answer on the 20 grounds it may incriminate her.</p> <p>21 BY MR. MCMANUS:</p> <p>22 Q. Do you intend to take the Fifth Amendment 23 with respect to that question?</p> <p>24 A. Yes.</p> <p>25 MR. MCMANUS: I'm now marking as Exhibit</p>
<p style="text-align: center;">Page 192</p> <p>1 547 a document with the Bates stamp CM03441, an 2 e-mail from February 17th, 2014, from David Daleiden 3 to a Brianna. 4 (Deposition Exhibit 547 was marked for 5 identification)</p> <p>6 BY MR. MCMANUS:</p> <p>7 Q. The document also includes the attachment 8 entitled "NAF 2014 Exhibitor Prospectus.pdf."</p> <p>9 I'll give you a moment to review the 10 document.</p> <p>11 A. (Reviewing document.)</p> <p>12 Q. Ms. Baxter, do you recognize the e-mail 13 that is Exhibit 547?</p> <p>14 MR. KOLLER: Objection; assumes facts not 15 in evidence.</p> <p>16 Advise my client not to answer on the 17 grounds it may incriminate her.</p> <p>18 BY MR. MCMANUS:</p> <p>19 Q. Do you intend to take the Fifth Amendment 20 with respect to that question?</p> <p>21 A. Yes.</p> <p>22 Q. Ms. Baxter, do you recognize the attachment 23 entitled "NAF 2014 Exhibitor Prospectus.pdf" that 24 begins at Bates stamp CM03442 and extends to the 25 page Bates-stamped CM03451?</p>	<p style="text-align: center;">Page 193</p> <p>1 MR. KOLLER: I'd advise my client not to 2 answer that on the grounds it may incriminate her.</p> <p>3 BY MR. MCMANUS:</p> <p>4 Q. Do you intend to take the Fifth Amendment 5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 Q. This attachment is NAF's Annual Meeting 8 Exhibitor Prospectus for the 2014 annual meeting 9 held in San Francisco from April 5th through April 10 8th, 2014; correct?</p> <p>11 MR. KOLLER: Objection; document speaks for 12 itself.</p> <p>13 But you can answer if you know the answer 14 to it.</p> <p>15 THE WITNESS: Yes, that's what it looks 16 like it is.</p> <p>17 BY MR. MCMANUS:</p> <p>18 Q. And Mr. Daleiden sent you this NAF 2014 19 Exhibitor Prospectus to help you prepare for 20 infiltrating NAF's 2014 annual meeting in San 21 Francisco; correct?</p> <p>22 MR. KOLLER: Objection; assumes facts not 23 in evidence, vague and ambiguous.</p> <p>24 I'd advise my client not to answer on the 25 grounds it may incriminate her.</p>

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<p>1 BY MR. MCMANUS:</p> <p>2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. I'll now point you to the page that's 6 Bates-stamped CM03449 toward the back of the packet. 7 That page is entitled "Application and Agreement for 8 Exhibitor Space, NAF Annual Meeting, San Francisco, 9 California, April 5th through 8th, 2014"; is that 10 correct?</p> <p>11 MR. KOLLER: Is your question that the 12 title of that document on page 5 -- 3449 is 13 "Application and Agreement for Exhibit Space"? Is 14 that the question?</p> <p>15 MR. MCMANUS: Yes, that's correct.</p> <p>16 MR. KOLLER: You can answer.</p> <p>17 THE WITNESS: Yes, that's the title.</p> <p>18 BY MR. MCMANUS:</p> <p>19 Q. In that black area at the top of the page, 20 it says:</p> <p>21 "Please complete all information. Complete 22 and sign the application form. Return the 23 completed application with credit card 24 information or check payable to NAF for the 25 full cost of exhibiting and registration</p>	<p>1 for educational sessions."</p> <p>2 Then later in that paragraph it says: 3 "When countersigned by NAF, this serves as 4 a contract for exhibit space and the 5 following Rules and Regulations are 6 expressly incorporated herein." 7 Did I read that accurately?</p> <p>8 A. Yes.</p> <p>9 Q. I'm going to refer you to the next page, 10 Bates-stamped CM3450, entitled "Exhibit Rules and 11 Regulations."</p> <p>12 Is it your understanding that to exhibit at 13 NAF's annual meetings a representative of a company 14 exhibiting at that meeting would have to sign this 15 form?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence.</p> <p>18 Advise my client not to answer on the 19 grounds it may incriminate her.</p> <p>20 BY MR. MCMANUS:</p> <p>21 Q. Do you intend to take the Fifth Amendment 22 with respect to that question?</p> <p>23 A. Yes.</p> <p>24 Q. Point you to paragraph 17 on that page. Paragraph 17 reads:</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 Exhibit 548 a document Bates-stamped CM03743 [sic]. 2 This is an e-mail from David Daleiden to Brianna on 3 February 21st, 2014. 4 (Deposition Exhibit 548 was marked for 5 identification)</p> <p>6 BY MR. MCMANUS: 7 Q. And the e-mail attaches three images 8 entitled r1, r2, and r3.jpg. 9 I'll give you a moment to review the 10 document.</p> <p>11 A. (Reviewing document.) 12 Q. Ms. Baxter, have you seen this e-mail and 13 attachments prior to today?</p> <p>14 MR. KOLLER: Objection; vague and 15 ambiguous. 16 Advise my client not to answer on the 17 grounds it may incriminate her.</p> <p>18 BY MR. MCMANUS: 19 Q. Do you intend to take the Fifth Amendment 20 with respect to that question? 21 A. Yes. 22 Q. Ms. Baxter, the three image attachments to 23 this e-mail are BioMax's application to exhibit at 24 the NAF 2014 annual meeting; correct? 25 MR. KOLLER: Objection; lack of foundation,</p>	<p>1 calls for speculation. 2 But you can answer if you know the answer. 3 THE WITNESS: It looks like it is.</p> <p>4 BY MR. MCMANUS: 5 Q. Did you fill out this form? 6 MR. KOLLER: Objection; assumes facts not 7 in evidence. 8 Advise my client not to answer on the 9 grounds it may incriminate her.</p> <p>10 BY MR. MCMANUS: 11 Q. Do you intend to take the Fifth Amendment 12 with respect to that question? 13 A. Yes. 14 Q. You'll notice on the page entitled "Exhibit 15 Rules and Regulations" that it has been signed by 16 someone whose printed name reads "Susan Tennenbaum" 17 with the title CEO for the company BioMax 18 Procurement Services. 19 Susan Tennenbaum is the alias that Sandra 20 Susan Merritt used to infiltrate NAF's 2014 annual 21 meeting; correct? 22 MR. KOLLER: Objection; lacks foundation, 23 vague and ambiguous. 24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>
<p style="text-align: center;">Page 200</p> <p>1 BY MR. MCMANUS: 2 Q. Do you intend to take the Fifth Amendment 3 with respect to that question? 4 A. Yes. 5 Q. Susan Tennenbaum was not in fact the CEO of 6 a company called BioMax Procurement Services; 7 correct? 8 MR. KOLLER: Objection; assumes facts not 9 in evidence, vague and ambiguous, lacks foundation. 10 Advise my client not to answer on the 11 grounds it may incriminate her.</p> <p>12 BY MR. MCMANUS: 13 Q. Do you intend to take the Fifth Amendment 14 with respect to that question? 15 A. Yes. 16 Q. On the next image entitled "Application and 17 Agreement for Exhibit Space, NAF Annual Meeting, San 18 Francisco, California, April 5th through 8th, 2014," 19 you'll see in number one that someone named Brianna 20 Allen has placed her name on this form representing 21 to be someone from BioMax Procurement Services. 22 Did you fill out this page of NAF -- of the 23 application to exhibit at NAF's annual meeting in 24 2014? 25 MR. KOLLER: I would object as assumes</p>	<p style="text-align: center;">Page 201</p> <p>1 facts not in evidence. 2 And would advise my client not to answer on 3 the grounds it may incriminate her.</p> <p>4 BY MR. MCMANUS: 5 Q. Do you intend to take the Fifth Amendment 6 with respect to that question? 7 A. Yes. 8 Q. You'll notice a little bit farther down in 9 Number 4, it says "Name and title of exhibitor 10 representative(s)," and there is a name "Brianna 11 Allen" under "Primary Representative" with the title 12 "Procurement Assistant" and the e-mail 13 "brianna@biomaxps.com." 14 This name is the one you used to infiltrate 15 NAF's 2014 annual meeting; correct? 16 MR. KOLLER: Objection; assumes facts not 17 in evidence. 18 I would advise my client not to answer on 19 the grounds it may incriminate her.</p> <p>20 BY MR. MCMANUS: 21 Q. Do you intend to take the Fifth Amendment 22 with respect to that question? 23 A. Yes. 24 Q. Procurement assistant was the title that 25 you used for your character that you used to</p>

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<p>1 infiltrate NAF's annual 2014 meeting; correct?</p> <p>2 MR. KOLLER: Objection; assumes facts not</p> <p>3 in evidence, vague and ambiguous.</p> <p>4 I'd advise my client not to answer on the</p> <p>5 grounds it may incriminate her.</p> <p>6 BY MR. MCMANUS:</p> <p>7 Q. Do you intend to take the Fifth Amendment</p> <p>8 with respect to that question?</p> <p>9 A. Yes.</p> <p>10 Q. You are, in fact, not a procurement</p> <p>11 assistant for BioMax Procurement Services; correct?</p> <p>12 MR. KOLLER: Objection; lack of foundation.</p> <p>13 Advise my client not to answer on the</p> <p>14 grounds it may incriminate her.</p> <p>15 BY MR. MCMANUS:</p> <p>16 Q. Do you intend to take the Fifth Amendment</p> <p>17 with respect to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Under that, it says "Additional</p> <p>20 Representative: Susan Tennenbaum" with the title CEO</p> <p>21 and the e-mail susan@biomaxps.com.</p> <p>22 That name was the name that Sandra Susan</p> <p>23 Merritt used to infiltrate NAF's 2014 annual</p> <p>24 meeting; correct?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>	<p>1 in evidence.</p> <p>2 Advise my client not to answer on the</p> <p>3 grounds it may incriminate her.</p> <p>4 BY MR. MCMANUS:</p> <p>5 Q. Do you intend to take the Fifth Amendment</p> <p>6 with respect to that question?</p> <p>7 A. Yes.</p> <p>8 Q. Immediately under that, it says "Additional</p> <p>9 Representative: Robert Sarkis, VP Operations" with</p> <p>10 the e-mail bob@biomaxps.com.</p> <p>11 Robert Sarkis was the alias that David</p> <p>12 Daleiden used to infiltrate NAF's 2014 annual</p> <p>13 meeting; correct?</p> <p>14 MR. KOLLER: Objection; assumes facts not</p> <p>15 in evidence.</p> <p>16 Advise my client not to answer on the</p> <p>17 grounds it may incriminate her.</p> <p>18 BY MR. MCMANUS:</p> <p>19 Q. Do you intend to take the Fifth Amendment</p> <p>20 with respect to that question?</p> <p>21 A. Yes.</p> <p>22 Q. On the right-hand side of the page, it says</p> <p>23 "List" -- it's a little bit unclear, but it says:</p> <p>24 "List the products designed [sic] to be</p> <p>25 exhibited: biological specimen procurement,</p>
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<p>1 stem cell research."</p> <p>2 BioMax Procurement Services did not in fact</p> <p>3 specialize in biological specimen -- excuse me --</p> <p>4 biological specimen procurement or stem cell</p> <p>5 research; correct?</p> <p>6 MR. KOLLER: Objection; assumes facts not</p> <p>7 in evidence vague and ambiguous.</p> <p>8 Advise my client not to answer on the</p> <p>9 grounds it may incriminate her.</p> <p>10 BY MR. MCMANUS:</p> <p>11 Q. Do you intend to take the Fifth Amendment</p> <p>12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. So BioMax Procurement Services submitted</p> <p>15 this Application and Agreement for Exhibit Space to</p> <p>16 NAF with false statements; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not</p> <p>18 in evidence.</p> <p>19 Advise my client not to answer on the</p> <p>20 grounds it may incriminate her.</p> <p>21 BY MR. MCMANUS:</p> <p>22 Q. Do you intend to take the Fifth Amendment</p> <p>23 with respect to that question?</p> <p>24 A. Yes.</p> <p>25 MR. MCMANUS: Now marking as Exhibit 547 --</p>	<p>1 MS. MAYO: 549.</p> <p>2 MR. MCMANUS: -- 549, my apologies, a</p> <p>3 document with the Bates stamp CM03468.</p> <p>4 (Deposition Exhibit 549 was marked for</p> <p>5 identification)</p> <p>6 BY MR. MCMANUS:</p> <p>7 Q. This document is an e-mail from February</p> <p>8 21st, 2014, from David Daleiden to a Brianna -- a</p> <p>9 series of e-mails, excuse me.</p> <p>10 A. (Reviewing document.)</p> <p>11 Q. Ms. Baxter, do you recognize this string of</p> <p>12 e-mails from prior to today?</p> <p>13 MR. KOLLER: Objection; assumes facts not</p> <p>14 in evidence.</p> <p>15 Advise my client not to answer on the</p> <p>16 grounds it may incriminate her.</p> <p>17 BY MR. MCMANUS:</p> <p>18 Q. Do you intend to assert the Fifth Amendment</p> <p>19 with respect to that question?</p> <p>20 A. Yes.</p> <p>21 Q. This e-mail is Mr. Daleiden sending you a</p> <p>22 list of characters he planned to use to infiltrate</p> <p>23 NAF's 2014 annual meeting; correct?</p> <p>24 MR. KOLLER: Objection; assumes facts not</p> <p>25 in evidence, lacks foundation, vague and ambiguous.</p>

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<p>1 I'd advise my client not to answer on the 2 grounds it may incriminate her. 3 BY MR. MCMANUS: 4 Q. Do you intend to assert the Fifth Amendment 5 with respect to that question? 6 A. Yes. 7 Q. Starting under where it says "BioMax 8 Procurement Services, LLC" the document says: 9 "Startup founded at the end of summer by 10 Susan Tennenbaum. Tissue and organ 11 procurement organization. We provide 12 biological specimens to medical 13 researchers." 14 Each of those sentence is a false 15 statement; correct? 16 MR. KOLLER: Objection; assumes facts not 17 in evidence. 18 Advise my client -- 19 Well, first of all, it's vague and 20 ambiguous as well. 21 Advise my client not to answer on the 22 grounds it may incriminate her. 23 BY MR. MCMANUS: 24 Q. Do you intend to assert the Fifth Amendment 25 with respect to that question?</p>	<p>1 A. Yes. 2 Q. And in the third paragraph under that, it 3 says: 4 "We've been working on getting out-of-state 5 licensing, investors, et cetera. Bank 6 finally approved start-up loan, yah!" 7 Was BioMax Procurement Services in fact 8 working on getting out-of-state licensing and 9 investments? 10 MR. KOLLER: Objection; lack of foundation, 11 vague and ambiguous. 12 Advise my client not to answer on the 13 grounds it may incriminate her. 14 BY MR. MCMANUS: 15 Q. Do you intend to assert the Fifth Amendment 16 with respect to that question? 17 A. Yes. 18 Q. Did BioMax Procurement Services in fact get 19 a bank start-up loan -- strike that. 20 Did BioMax Procurement Services in fact get 21 a start-up loan from a bank? 22 MR. KOLLER: Objection; assumes facts not 23 in evidence, lacks foundation. 24 Advise my client not to answer on the 25 grounds it may incriminate her.</p>
<p>1 BY MR. MCMANUS: 2 Q. Do you intend to assert the Fifth Amendment 3 with respect to that question? 4 A. Yes. 5 Q. Did you fill out a loan application to a 6 bank for BioMax Procurement Services? 7 MR. KOLLER: Objection; assumes facts not 8 in evidence, vague and ambiguous. 9 Advise my client not to answer on the 10 grounds it may incriminate her. 11 BY MR. MCMANUS: 12 Q. Do you intend to assert the Fifth Amendment 13 with respect to that question? 14 A. Yes. 15 Q. Listed under that, it says "Susan 16 Tennenbaum (CEO), Brianna's aunt." 17 Is Susan Tennenbaum, in fact, Brianna 18 Allen's aunt? 19 MR. KOLLER: Objection; assumes facts not 20 in evidence, lack of foundation. 21 Advise my client not to answer on the 22 grounds it may incriminate her. 23 BY MR. MCMANUS: 24 Q. Do you intend to assert the Fifth Amendment 25 with respect to that question?</p>	<p>1 A. Yes. 2 Q. Did you pose as Susan Tennenbaum's niece to 3 reduce suspicion when you infiltrated NAF's annual 4 meeting in 2014? 5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lacks foundation, vague and ambiguous. 7 Advise my client not to answer on the 8 grounds it may incriminate her. 9 BY MR. MCMANUS: 10 Q. Do you intend to assert the Fifth Amendment 11 with respect to that question? 12 A. Yes. 13 Q. Under that, it says: 14 "Brianna Allen (Procurement Assistant) 15 General assistant to Susan and part-time 16 procurement technician. Grad student at 17 USC (molecular bio/stem cells.)" 18 You were, in fact, not a grad student at 19 USC; correct? 20 MR. KOLLER: Are you asking in her private 21 capacity as Brianna Baxter? 22 MR. MCMANUS: Let me rephrase. 23 MR. KOLLER: Thank you. 24 BY MR. MCMANUS: 25 Q. You did not attend grad school at USC;</p>

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<p>1 correct?</p> <p>2 MR. KOLLER: Again, it's vague.</p> <p>3 Again, are you talking about her as Brianna</p> <p>4 Baxter or this person Brianna Allen? Just so I'm --</p> <p>5 just so we're clear what the question is.</p> <p>6 MR. MCMANUS: I'm talking about the</p> <p>7 witness' actual experience.</p> <p>8 MR. KOLLER: You may answer.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. MCMANUS:</p> <p>11 Q. But you went to NAF's annual meeting</p> <p>12 claiming to be Brianna Allen, a grad student from</p> <p>13 USC; correct?</p> <p>14 MR. KOLLER: Objection; assumes facts not</p> <p>15 in evidence, vague and ambiguous.</p> <p>16 I'd advise my client not to answer on the</p> <p>17 grounds it may incriminate her.</p> <p>18 BY MR. MCMANUS:</p> <p>19 Q. Do you intend to assert the Fifth Amendment</p> <p>20 with respect to that question?</p> <p>21 A. Yes.</p> <p>22 Q. You yourself are not a part-time</p> <p>23 technician; correct?</p> <p>24 MR. KOLLER: Objection; vague, ambiguous,</p> <p>25 calls for a legal conclusion.</p>	<p>1 I'd ask -- or I'd advise my client not to</p> <p>2 answer on the grounds it may incriminate her.</p> <p>3 BY MR. MCMANUS:</p> <p>4 Q. Do you intend to assert the Fifth Amendment</p> <p>5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 Q. Under that, it says "Robert Sarkis (VP for</p> <p>8 Operations)."</p> <p>9 That was the name David Daleiden used to</p> <p>10 infiltrate NAF's 2014 annual meeting; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not</p> <p>12 in evidence.</p> <p>13 Advise my client not to answer on the</p> <p>14 grounds it may incriminate her.</p> <p>15 BY MR. MCMANUS:</p> <p>16 Q. Do you intend to assert the Fifth Amendment</p> <p>17 with respect to that question?</p> <p>18 A. Yes.</p> <p>19 Q. In that paragraph following that it says:</p> <p>20 "Brianna knows him from undergrad (San Jose</p> <p>21 State)."</p> <p>22 You yourself did not attend undergraduate</p> <p>23 at San Jose State; correct?</p> <p>24 A. No, I did not.</p> <p>25 Q. But at NAF's 2014 annual meeting you posed</p>
<p>1 as Brianna Allen who claimed to know Robert Sarkis</p> <p>2 from his -- from their undergrad at San Jose State;</p> <p>3 correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not</p> <p>5 in evidence, vague and ambiguous.</p> <p>6 Advise my client not to answer on the</p> <p>7 grounds it may incriminate her.</p> <p>8 BY MR. MCMANUS:</p> <p>9 Q. Do you intend to assert the Fifth Amendment</p> <p>10 with respect to that question?</p> <p>11 A. Yes.</p> <p>12 MR. MCMANUS: Now introducing as Exhibit</p> <p>13 550 a document Bates-stamped CM03471, which is an</p> <p>14 e-mail dated March 22nd, 2014, from David Daleiden</p> <p>15 to a Brianna and an Anna Bettsworth, attaching a</p> <p>16 document entitled "BioMax Donor Center App.pdf."</p> <p>17 (Deposition Exhibit 550 was marked for</p> <p>18 identification)</p> <p>19 THE WITNESS: (Reviewing document.)</p> <p>20 BY MR. MCMANUS:</p> <p>21 Q. Ms. Baxter, have you seen this document</p> <p>22 prior to today?</p> <p>23 MR. KOLLER: Objection; lack of foundation,</p> <p>24 vague and ambiguous.</p> <p>25 I'd advise my client not to answer on the</p>	<p>1 grounds it may incriminate her.</p> <p>2 BY MR. MCMANUS:</p> <p>3 Q. Do you intend to assert the Fifth Amendment</p> <p>4 with respect to that privilege -- with respect to</p> <p>5 that question? Excuse me.</p> <p>6 A. Yes.</p> <p>7 Q. To this e-mail Mr. Daleiden attached a</p> <p>8 document entitled "BioMax Procurement Services, LLC</p> <p>9 Donor Center Application."</p> <p>10 You, Mr. Daleiden, and others posing as</p> <p>11 officials of BioMax Procurement Services, LLC handed</p> <p>12 out this Donor Center Application at NAF's 2014</p> <p>13 annual meeting; correct?</p> <p>14 MR. KOLLER: Objection; assumes facts not</p> <p>15 in evidence, vague and ambiguous.</p> <p>16 Advise my client not to answer on the</p> <p>17 grounds it may incriminate her.</p> <p>18 BY MR. MCMANUS:</p> <p>19 Q. Do you intend to assert the Fifth Amendment</p> <p>20 with respect to that question?</p> <p>21 A. Yes.</p> <p>22 Q. Did you ever respond to Mr. Daleiden's</p> <p>23 request for thoughts on this draft Donor Center</p> <p>24 Application that he attached as Exhibit 550?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>

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<p>1 in evidence, vague and ambiguous.</p> <p>2 I'd advise my client not to answer on the</p> <p>3 grounds it may incriminate her.</p> <p>4 BY MR. MCMANUS:</p> <p>5 Q. Do you intend to assert the Fifth Amendment</p> <p>6 with respect to that question?</p> <p>7 A. Yes.</p> <p>8 Q. In preparing to infiltrate NAF in 2014, CMP</p> <p>9 created a front company called BioMax Procurement</p> <p>10 Services; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not</p> <p>12 in evidence, vague and ambiguous.</p> <p>13 I'd advise my client not to answer on the</p> <p>14 grounds it may incriminate her.</p> <p>15 BY MR. MCMANUS:</p> <p>16 Q. Do you intend to assert the Fifth Amendment</p> <p>17 with respect to that question?</p> <p>18 A. Yes.</p> <p>19 Q. BioMax created a fake website, fake phone</p> <p>20 numbers, fake e-mails, and fake executives with</p> <p>21 titles to infiltrate reproductive health</p> <p>22 conferences, including NAF's 2014 annual meeting;</p> <p>23 correct?</p> <p>24 MR. KOLLER: Objection; assumes facts not</p> <p>25 in evidence, lack of foundation.</p>	<p>1 Advise my client not to answer on the</p> <p>2 grounds it may incriminate her.</p> <p>3 BY MR. MCMANUS:</p> <p>4 Q. Do you intend to assert the Fifth Amendment</p> <p>5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 Q. You were aware that NAF meetings were not</p> <p>8 open to the general public; correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not</p> <p>10 in evidence.</p> <p>11 Advise my client not to answer on the</p> <p>12 grounds it may incriminate her.</p> <p>13 BY MR. MCMANUS:</p> <p>14 Q. Do you intend to assert the Fifth Amendment</p> <p>15 with respect to that question?</p> <p>16 A. Yes.</p> <p>17 MR. MCMANUS: I'm now marking as Exhibit</p> <p>18 551 a document with the Bates stamped NAF0000379.</p> <p>19 (Deposition Exhibit 551 was marked for</p> <p>20 identification)</p> <p>21 THE WITNESS: (Reviewing document.)</p> <p>22 BY MR. MCMANUS:</p> <p>23 Q. This document is entitled "Confidentiality</p> <p>24 Agreement for NAF Annual Meeting April 5th through</p> <p>25 8th, 2014."</p>
<p style="text-align: center;">Page 216</p> <p>1 You signed this confidentiality agreement</p> <p>2 to obtain access to NAF's 2014 annual meeting;</p> <p>3 correct?</p> <p>4 MR. KOLLER: Objection; assumes facts not</p> <p>5 in evidence, lacks foundation.</p> <p>6 I'd advise my client not to answer on the</p> <p>7 grounds it may incriminate her.</p> <p>8 BY MR. MCMANUS:</p> <p>9 Q. Do you intend to take the Fifth Amendment</p> <p>10 with respect to that question?</p> <p>11 A. Yes.</p> <p>12 Q. I'll appoint you to Number 1, which says:</p> <p>13 "Videotaping or Other Recording Prohibited:</p> <p>14 Attendees are prohibited from making video,</p> <p>15 audio, photographic, or other recordings of</p> <p>16 the meetings or discussions at this</p> <p>17 conference."</p> <p>18 You had no intention of complying with</p> <p>19 paragraph 1 of the confidentiality agreement marked</p> <p>20 as Exhibit 551; correct?</p> <p>21 MR. KOLLER: Objection; assumes facts not</p> <p>22 in evidence, lack of foundation.</p> <p>23 Advise my client not to answer on the</p> <p>24 grounds it may incriminate her.</p> <p>25 //</p>	<p style="text-align: center;">Page 217</p> <p>1 BY MR. MCMANUS:</p> <p>2 Q. Do you intend to assert the Fifth Amendment</p> <p>3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. In fact, when you attended NAF's 2014</p> <p>6 annual meeting you did not comply with paragraph 1</p> <p>7 of the confidentiality agreement which you signed;</p> <p>8 correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not</p> <p>10 in evidence, lacks foundation.</p> <p>11 Advise my client not to answer on the</p> <p>12 grounds it may incriminate her.</p> <p>13 BY MR. MCMANUS:</p> <p>14 Q. Do you intend to assert the Fifth Amendment</p> <p>15 with respect to that question?</p> <p>16 A. Yes.</p> <p>17 Q. I'll point you now to paragraph 3, which</p> <p>18 says:</p> <p>19 "Disclosure of NAF Materials to Third</p> <p>20 Parties: Attendees may not disclose any</p> <p>21 NAF Conference Information to third parties</p> <p>22 without first obtaining NAF's express</p> <p>23 written consent, which will not be</p> <p>24 unreasonably withheld."</p> <p>25 You had no intent of complying with</p>

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<p>1 paragraph 3 of NAF's -- of the confidentiality 2 agreement for NAF's 2014 annual meeting; correct?</p> <p>3 MR. KOLLER: Objection; assumes facts not 4 in evidence, lack of foundation.</p> <p>5 Advise my client not to answer on the 6 grounds it may incriminate her.</p> <p>7 BY MR. McMANUS:</p> <p>8 Q. Do you intend to take the Fifth Amendment 9 with respect to that question?</p> <p>10 A. Yes.</p> <p>11 Q. In fact, when you infiltrated NAF's 2014 12 annual meeting you did not comply with paragraph 3 13 of the confidentiality agreement for NAF's 2014 14 annual meeting; correct?</p> <p>15 MR. KOLLER: Objection; assumes facts not 16 in evidence, lack of foundation.</p> <p>17 I'd advise my client not to answer on the 18 grounds it may incriminate her.</p> <p>19 BY MR. McMANUS:</p> <p>20 Q. Do you intend to assert the Fifth Amendment 21 with respect to that question?</p> <p>22 A. Yes.</p> <p>23 Q. You did not, in fact, first obtain NAF's 24 express written consent for disclosing NAF materials 25 to third parties; correct?</p>	<p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, vague and ambiguous. 3 Advise my client not to answer on the 4 grounds it may incriminate her. 5 BY MR. McMANUS: 6 Q. Do you intend to assert the Fifth Amendment 7 with respect to that question? 8 A. Yes. 9 Q. You knew that if you were to ask NAF for 10 its express written consent to release videotapes 11 taped at NAF's 2014 annual meeting without the 12 consent of attendees, that it would not be 13 unreasonable for NAF to withhold consent for that 14 disclosure; correct? 15 MR. KOLLER: Objection; assumes facts not 16 in evidence, vague and ambiguous, lacks foundation. 17 Advise my client not to answer on the 18 grounds it may incriminate her. 19 BY MR. McMANUS: 20 Q. Do you intend to assert the Fifth Amendment 21 with respect to that question? 22 A. Yes. 23 Q. At the bottom, it says "Name: Brianna 24 Allen. Name of Organization: BioMax," with a 25 signature dated 4/5/14, that is April 5th, 2014, and</p>
<p>1 a blank "Professional Title." 2 Is that the signature you used for the 3 character Brianna Allen on Exhibit 551?</p> <p>4 MR. KOLLER: Objection; assumes facts not 5 in evidence, lacks foundation.</p> <p>6 Advise my client not to answer on the 7 grounds it may incriminate her.</p> <p>8 BY MR. McMANUS:</p> <p>9 Q. Do you intend to assert the Fifth Amendment 10 with respect to that question?</p> <p>11 A. Yes.</p> <p>12 Q. When you infiltrated NAF's 2014 annual 13 meeting, you had no intention of honoring any 14 portion of this nondisclosure agreement which 15 prohibited the video and audio recording of NAF's 16 annual meetings and its attendees; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence, lack of foundation.</p> <p>19 Advise my client not to answer on the 20 grounds it may incriminate her.</p> <p>21 BY MR. McMANUS:</p> <p>22 Q. Do you intend to take the Fifth Amendment 23 with respect to that question?</p> <p>24 A. Yes.</p> <p>25 MR. McMANUS: Okay. I'm about to play a</p>	<p>1 clip. 2 Can we just go off the record for one 3 moment. 4 MS. MAYO: Yeah. 5 THE VIDEOGRAPHER: This marks the end of 6 media labeled Number 5. Off the record at 2:26 p.m. 7 (Pause in the proceedings) 8 THE VIDEOGRAPHER: This marks the beginning 9 of media file labeled Number 6. Back on the record 10 at 2:32 p.m. 11 MR. McMANUS: I'm going to introduce as 12 Exhibit 552 this document. 13 (Deposition Exhibit 552 was marked for 14 identification) 15 BY MR. McMANUS: 16 Q. This document represents counsel for NAF's 17 best efforts to transcribe the audio clip that I'm 18 about to show you. 19 I will not purport this transcript is 20 entirely accurate because, as you will tell, 21 sometimes the audio is difficult to hear, but it 22 represents our best efforts. 23 Do you understand? 24 A. Yes. 25 Q. All right. I'm going to play this audio</p>

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<p>1 clip.</p> <p>2 If you could please listen to it, and I'm</p> <p>3 happy to play it again if you need to hear it again.</p> <p>4 (Audio clip marked as Exhibit 553 was</p> <p>5 played during the proceedings)</p> <p>6 BY MR. MCMANUS:</p> <p>7 Q. Would you like to hear that again?</p> <p>8 A. No.</p> <p>9 Q. This is audio of you filling out a</p> <p>10 confidentiality agreement at NAF's 2014 annual</p> <p>11 meeting; correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not</p> <p>13 in evidence, lack of foundation.</p> <p>14 I'd advise my client not to answer on the</p> <p>15 grounds it may incriminate her.</p> <p>16 BY MR. MCMANUS:</p> <p>17 Q. Do you intend to assert the Fifth Amendment</p> <p>18 with respect to that question?</p> <p>19 A. Yes.</p> <p>20 Q. Did you recognize your voice in that</p> <p>21 video -- that audio --</p> <p>22 MR. KOLLER: I'd --</p> <p>23 MR. MCMANUS: -- I'm sorry, strike that.</p> <p>24 BY MR. MCMANUS:</p> <p>25 Q. Did you recognize your voice in that audio</p>	<p>1 clip?</p> <p>2 MR. KOLLER: I'd advise my client not to</p> <p>3 answer that on the grounds it may incriminate her.</p> <p>4 BY MR. MCMANUS:</p> <p>5 Q. Do you intend to assert the Fifth Amendment</p> <p>6 with respect to that question?</p> <p>7 A. Yes.</p> <p>8 Q. Did you recognize the voice of Sandra Susan</p> <p>9 Merritt in that video?</p> <p>10 MR. KOLLER: I would object lack of</p> <p>11 foundation, assumes facts not in evidence.</p> <p>12 And advise my client not to answer on the</p> <p>13 grounds it may incriminate her.</p> <p>14 BY MR. MCMANUS:</p> <p>15 Q. Do you intend to assert the Fifth Amendment</p> <p>16 with respect to that question?</p> <p>17 A. Yes.</p> <p>18 Q. On the transcript about halfway down, it</p> <p>19 says:</p> <p>20 "Allen: What did we decide my title was</p> <p>21 again?"</p> <p>22 Do you remember hearing that in the audio</p> <p>23 clip?</p> <p>24 A. Yes, I remember hearing that in the audio</p> <p>25 clip.</p>
<p>Page 224</p> <p>1 Q. Was that you asking Ms. Merritt who was</p> <p>2 posing as Susan Tennenbaum, the CEO of BioMax</p> <p>3 Procurement Services, what title they had assigned</p> <p>4 to you in connection with your character Brianna</p> <p>5 Allen?</p> <p>6 MR. KOLLER: I'm going to object assumes</p> <p>7 facts not in evidence, lack of foundation.</p> <p>8 Advise my client not to answer on the</p> <p>9 grounds it may incriminate her.</p> <p>10 BY MR. MCMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment</p> <p>12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. Ms. Merritt responds:</p> <p>15 "You don't have one, my dear."</p> <p>16 Do you remember hearing that in the audio</p> <p>17 clip?</p> <p>18 MR. KOLLER: I will lodge an objection as</p> <p>19 it relates to ascribing it to a particular person.</p> <p>20 If you're asking if she just heard that</p> <p>21 line, I have no objection. She can answer that.</p> <p>22 MR. MCMANUS: I'll rephrase my question.</p> <p>23 BY MR. MCMANUS:</p> <p>24 Q. Did you hear someone say that in the audio</p> <p>25 clip?</p>	<p>Page 225</p> <p>1 A. Yes.</p> <p>2 Q. That person was Ms. Merritt; correct?</p> <p>3 MR. KOLLER: Objection; assumes facts not</p> <p>4 in evidence, lack of foundation.</p> <p>5 I'd advise my client not to answer on the</p> <p>6 grounds it may incriminate her.</p> <p>7 BY MR. MCMANUS:</p> <p>8 Q. Do you intend to assert the Fifth Amendment</p> <p>9 with respect to that question?</p> <p>10 A. Yes.</p> <p>11 Q. Ms. Merritt's statement "You don't have</p> <p>12 one, my dear" explains why you left the title field</p> <p>13 blank on Exhibit 551, which is the confidentiality</p> <p>14 agreement you signed with NAF to enter its 2014</p> <p>15 annual meeting; correct?</p> <p>16 MR. KOLLER: Objection; assumes facts not</p> <p>17 in evidence, compound question, lack of foundation.</p> <p>18 I'd advise my client not to answer on the</p> <p>19 grounds it may incriminate her.</p> <p>20 BY MR. MCMANUS:</p> <p>21 Q. Do you intend to assert the Fifth Amendment</p> <p>22 with respect to that question?</p> <p>23 A. Yes.</p> <p>24 Q. A little ways down, it says -- the</p> <p>25 transcript says: "Merritt: Niece. Yes."</p>

<p style="text-align: center;">Page 226</p> <p>1 Do you remember someone saying "niece" in 2 the audio clip?</p> <p>3 A. I think so. It was a little unclear.</p> <p>4 Q. Would you like me to play the audio clip 5 again?</p> <p>6 A. I remember that part.</p> <p>7 Q. Okay.</p> <p>8 A. And that particular word wasn't terribly 9 clear, but it could have been "niece."</p> <p>10 Q. That person was Ms. Merritt; correct?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lack of foundation.</p> <p>13 Advise my client not to answer on the 14 grounds it may incriminate her.</p> <p>15 BY MR. MCMANUS:</p> <p>16 Q. Do you intend to assert the Fifth Amendment 17 with respect to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Ms. Merritt said that because you were 20 posing as Susan Tennenbaum's niece when you 21 impersonated Brianna Allen at NAF's 2014 annual 22 meeting; correct?</p> <p>23 MR. KOLLER: Objection; assumes facts not 24 in evidence, lack of foundation, vague and 25 ambiguous.</p>	<p style="text-align: center;">Page 227</p> <p>1 I advise my client not to answer on the 2 grounds it may incriminate her.</p> <p>3 BY MR. MCMANUS:</p> <p>4 Q. Do you intend to assert the Fifth Amendment 5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 Q. Under that, it says:</p> <p>8 "NAF Employee: Nope, that's it. Thank 9 you. This is your badge and the lanyard to 10 hook up your badge on is in this bag." 11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember hearing that in the audio 14 clip?</p> <p>15 A. Yes.</p> <p>16 Q. A NAF employee told you that when you were 17 checking in and signing the confidentiality 18 agreement to enter NAF's 2014 annual meeting; 19 correct?</p> <p>20 MR. KOLLER: Objection; assumes facts not 21 in evidence, lack of foundation.</p> <p>22 Advise my client not to answer on the 23 grounds it may incriminate her.</p> <p>24 BY MR. MCMANUS:</p> <p>25 Q. Do you intend to assert the Fifth Amendment</p>
<p style="text-align: center;">Page 228</p> <p>1 with respect to that question?</p> <p>2 A. Yes.</p> <p>3 Q. You needed a NAF conference badge to get 4 access to all sessions at NAF's annual meeting in 5 2014; correct?</p> <p>6 MR. KOLLER: Objection; assumes facts not 7 in evidence, lack of foundation, vague and 8 ambiguous.</p> <p>9 I'd advise my client not to answer on the 10 grounds it may incriminate her.</p> <p>11 BY MR. MCMANUS:</p> <p>12 Q. Do you intend to assert the Fifth Amendment 13 to that question?</p> <p>14 A. Yes.</p> <p>15 Q. You received a NAF conference badge under 16 the assumed name of Brianna Allen through fraud and 17 false pretenses; correct?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence, lack of foundation, vague and 20 ambiguous, calls for a legal conclusion.</p> <p>21 Advise my client not to answer on the 22 grounds it may incriminate her.</p> <p>23 BY MR. MCMANUS:</p> <p>24 Q. Do you intend to assert the Fifth Amendment 25 with respect to that question?</p>	<p style="text-align: center;">Page 229</p> <p>1 A. Yes.</p> <p>2 Q. You're aware that to get a NAF conference 3 badge a person is required to present valid, 4 personal identification; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lack of foundation.</p> <p>7 Advise my client not to answer on the 8 grounds it may incriminate her.</p> <p>9 BY MR. MCMANUS:</p> <p>10 Q. Do you intend to assert the Fifth Amendment 11 with respect to that question?</p> <p>12 A. Yes.</p> <p>13 Q. You were aware that David Daleiden used a 14 fake California driver's license bearing the name 15 Robert Sarkis to get access to NAF's 2014 annual 16 meeting; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence, lack of foundation, vague and 19 ambiguous.</p> <p>20 Advise my client not to answer on the 21 grounds it may incriminate her.</p> <p>22 BY MR. MCMANUS:</p> <p>23 Q. Do you intend to assert the Fifth Amendment 24 with respect to that question?</p> <p>25 A. Yes.</p>

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<p>1 Q. You were aware that Sandra Susan Merritt 2 used a fake California driver's license bearing the 3 name Susan Tennenbaum to gain access to NAF's 2014 4 annual meeting; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lack of foundation, vague and 7 ambiguous.</p> <p>8 Advise my client not to answer on the 9 grounds it may incriminate her.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment 12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. What ID did you use to get access to NAF's 15 annual meeting in 2014?</p> <p>16 MR. KOLLER: Objection; assumes facts not 17 in evidence, lack of foundation, vague and 18 ambiguous.</p> <p>19 I'd advise my client not to answer on the 20 grounds it may incriminate her.</p> <p>21 BY MR. McMANUS:</p> <p>22 Q. Do you intend to assert the Fifth Amendment 23 with respect to that question?</p> <p>24 A. Yes.</p> <p>25 Q. Did the identification you used to gain</p>	<p>1 access to NAF's annual meeting in 2014 bear the name 2 Brianna Allen?</p> <p>3 MR. KOLLER: Objection; assumes facts not 4 in evidence, lack of foundation, vague and 5 ambiguous.</p> <p>6 I'd advise my client not to answer on the 7 grounds it may incriminate her.</p> <p>8 BY MR. McMANUS:</p> <p>9 Q. Do you intend to assert the Fifth Amendment 10 with respect to that question?</p> <p>11 A. Yes.</p> <p>12 Q. You were aware that NAF prohibited video 13 and audio recording of any session or of 14 participants in NAF's annual meetings; correct?</p> <p>15 MR. KOLLER: Objection; assumes facts not 16 in evidence, lack of foundation.</p> <p>17 I would advise my client not to answer on 18 the grounds it may incriminate her.</p> <p>19 BY MR. McMANUS:</p> <p>20 Q. Do you intend to assert the Fifth Amendment 21 with respect to that question?</p> <p>22 A. Yes.</p> <p>23 Q. You brought hidden video and audio 24 recording equipment with you into NAF's annual 25 meeting in 2014; correct?</p>
<p style="text-align: center;">Page 232</p> <p>1 MR. KOLLER: Objection; assumes facts not 2 in evidence, lacks foundation, vague and ambiguous.</p> <p>3 I'd advise my client not to answer on the 4 grounds it may incriminate her.</p> <p>5 BY MR. McMANUS:</p> <p>6 Q. Do you intend to assert the Fifth Amendment 7 with respect to that question?</p> <p>8 A. Yes.</p> <p>9 Q. Once in NAF's annual meeting in 2014, you 10 recorded everything you saw and everyone you talked 11 to, indiscriminately; correct?</p> <p>12 MR. KOLLER: Objection; assumes facts not 13 in evidence, lacks foundation, vague and ambiguous.</p> <p>14 I'd advise my client not to answer on the 15 grounds it may incriminate her.</p> <p>16 BY MR. McMANUS:</p> <p>17 Q. Do you intend to assert the Fifth Amendment 18 with respect to that question?</p> <p>19 A. Yes.</p> <p>20 Q. You kept the hidden video and audio 21 equipment running all the time during your 22 attendance at the 2014 NAF annual meeting; correct?</p> <p>23 MR. KOLLER: Objection; assumes facts not 24 in evidence, lack of foundation, vague and 25 ambiguous.</p>	<p style="text-align: center;">Page 233</p> <p>1 I'd advise my client not to answer on the 2 grounds it may incriminate her.</p> <p>3 BY MR. McMANUS:</p> <p>4 Q. Do you intend to assert the Fifth Amendment 5 with respect to that question?</p> <p>6 A. Yes.</p> <p>7 Q. You taped conference presentations at the 8 2014 NAF annual meeting; correct?</p> <p>9 MR. KOLLER: Objection; assumes facts not 10 in evidence, lacks foundation. It's vague and 11 ambiguous.</p> <p>12 I'd advise my client not to answer on the 13 grounds it may incriminate her.</p> <p>14 BY MR. McMANUS:</p> <p>15 Q. Do you intend to assert the Fifth Amendment 16 with respect to that question?</p> <p>17 A. Yes.</p> <p>18 Q. You taped individual conversations -- 19 excuse me. Strike that.</p> <p>20 You taped individual conversations with NAF 21 members that you met at the 2014 NAF annual meeting; 22 correct?</p> <p>23 MR. KOLLER: Objection; assumes facts not 24 in evidence, lack of foundation, vague and 25 ambiguous.</p>

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<p>1 Advise my client not to answer on the 2 grounds it may incriminate her. 3 BY MR. MCMANUS: 4 Q. Do you intend to assert the Fifth Amendment 5 with respect to that question? 6 A. Yes. 7 Q. You didn't tell the people that you 8 surreptitiously recorded that you were filming them 9 and recording them; correct? 10 MR. KOLLER: Objection; assumes facts not 11 in evidence, lacks foundation, vague and ambiguous. 12 I'd advise my client not to answer on the 13 grounds it may incriminate her. 14 BY MR. MCMANUS: 15 Q. Do you intend to assert the Fifth Amendment 16 with respect to that question? 17 A. Yes. 18 Q. You were aware at the time that anti-wire 19 tapping laws made it illegal to surreptitiously 20 record a conversation of another person without 21 their consent; correct? 22 MR. KOLLER: Objection; assumes facts not 23 in evidence, vague and ambiguous, lack of 24 foundation, calls for a legal conclusion. 25 And I would advise my client not to answer</p>	<p>1 on the grounds it may incriminate her. 2 BY MR. MCMANUS: 3 Q. Do you intend to assert the Fifth Amendment 4 with respect to that privilege [sic]? 5 A. Yes. 6 Sorry, you mean "question"; right? 7 Q. Question. Sorry, I keep saying that. 8 CMP intended to gather short, viral, 9 undercover, gotcha videos that Mr. Daleiden would 10 post to YouTube at the end of the project; correct? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lack of foundation, vague and 13 ambiguous. 14 Advise my client not to answer on the 15 grounds it may incriminate her. 16 BY MR. MCMANUS: 17 Q. Do you intend to assert the Fifth Amendment 18 with respect to that question? 19 A. Yes. 20 Q. You received training from Mr. Daleiden to 21 get NAF meeting attendees to say specific things; 22 correct? 23 MR. KOLLER: Objection; assumes facts not 24 in evidence, lacks foundation, vague and ambiguous. 25 Advise my client not to answer on the</p>
<p style="text-align: center;">Page 236</p> <p>1 grounds it may incriminate her. 2 BY MR. MCMANUS: 3 Q. Do you intend to assert the Fifth Amendment 4 with respect to that question? 5 A. Yes. 6 MR. MCMANUS: 552? 7 THE REPORTER: 553. Are you marking the 8 video? 9 MR. MCMANUS: Yes. I'm sorry, I forgot to 10 do that. 11 I'm going to mark this CD as Exhibit 553. 12 I'm also marking that as highly confidential, 13 attorneys' eyes only in compliance with the 14 protective order in both the NAF and Planned 15 Parenthood cases. 16 (Deposition Exhibit 553 was marked for 17 identification) 18 MR. KOZINA: Is that the entirety of that 19 exhibit or just a portion of it, Counsel? 20 MR. MCMANUS: It is the entirety of the 21 clip that I just played. 22 MR. KOZINA: Thank you. 23 MR. MCMANUS: Now I'm marking as Exhibit 24 554 this photograph. 25 (Deposition Exhibit 554 was marked for</p>	<p style="text-align: center;">Page 237</p> <p>1 identification) 2 BY MR. MCMANUS: 3 Q. Ms. Baxter, do you recognize this 4 photograph? 5 MR. KOLLER: I'm going to object as asked 6 and answered. 7 This is a color photo of Exhibit 542. So I 8 would object on that grounds. 9 Basically, also advise my client not to 10 answer on the grounds it may incriminate her. 11 BY MR. MCMANUS: 12 Q. Do you intend to assert the Fifth Amendment 13 with respect to that question? 14 A. Yes. 15 Q. This is a color version of Exhibit 542; 16 correct? 17 A. Yes. 18 Q. The person sitting next to you is Sandra 19 Susan Merritt; correct? 20 MR. KOLLER: Objection; asked and answered. 21 Also, it assumes facts not in evidence. I would 22 object. 23 And I also advise my client not to answer 24 on the grounds it may incriminate her. 25 //</p>

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<p>1 BY MR. McMANUS:</p> <p>2 Q. Do you intend to assert the Fifth Amendment</p> <p>3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. And that's you on the right; correct?</p> <p>6 MR. KOLLER: Objection; again, asked and</p> <p>7 answered.</p> <p>8 And I'd advise my client not to answer on</p> <p>9 the grounds it may incriminate her.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment</p> <p>12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. Both of you are wearing NAF exhibitor name</p> <p>15 badges; correct?</p> <p>16 MR. KOLLER: Objection; lacks foundation.</p> <p>17 Advise my client not to answer on the</p> <p>18 grounds it may incriminate her.</p> <p>19 BY MR. McMANUS:</p> <p>20 Q. Do you intend to assert the Fifth Amendment</p> <p>21 with respect to that question?</p> <p>22 A. Yes.</p> <p>23 Q. Those name badges bear the names Susan</p> <p>24 Tennenbaum and Brianna Allen; correct?</p> <p>25 MR. KOLLER: Objection; assumes facts not</p>	<p>1 in evidence, lacks foundation.</p> <p>2 I'd advise my client not to answer on the</p> <p>3 grounds it may incriminate her.</p> <p>4 BY MR. McMANUS:</p> <p>5 Q. Do you intend to assert the Fifth Amendment</p> <p>6 with respect to that question?</p> <p>7 A. Yes.</p> <p>8 Q. Are you wearing video or audio recording</p> <p>9 equipment in this photograph?</p> <p>10 MR. KOLLER: I'd advise my client not to</p> <p>11 answer that on the grounds it may incriminate her.</p> <p>12 BY MR. McMANUS:</p> <p>13 Q. Do you intend to assert the Fifth Amendment</p> <p>14 with respect to that question?</p> <p>15 A. Yes.</p> <p>16 Q. The scarf that's around your neck is hiding</p> <p>17 video and audio recording equipment; correct?</p> <p>18 MR. KOLLER: Objection; assumes facts not</p> <p>19 in evidence, lacks foundation.</p> <p>20 I'd advise my client not to answer on the</p> <p>21 grounds it may incriminate her.</p> <p>22 BY MR. McMANUS:</p> <p>23 Q. Do you intend to assert the Fifth Amendment</p> <p>24 with respect to that question?</p> <p>25 A. Yes.</p>
<p>Page 240</p> <p>1 MR. McMANUS: Marking as 555 an image</p> <p>2 Bates-stamped NAF0001198.</p> <p>3 (Deposition Exhibit 555 was marked for</p> <p>4 identification)</p> <p>5 BY MR. McMANUS:</p> <p>6 Q. Is this the business card that you used in</p> <p>7 conjunction with impersonating Brianna Allen at</p> <p>8 NAF's 2014 annual meeting?</p> <p>9 MR. KOLLER: First of all, object. Assumes</p> <p>10 facts not in evidence. Also, this is a 9-by-11</p> <p>11 piece of paper which has a --</p> <p>12 MR. McMANUS: Let me -- sorry. Let me</p> <p>13 rephrase the question.</p> <p>14 BY MR. McMANUS:</p> <p>15 Q. Is this a scan of a business card that you</p> <p>16 used in conjunction with impersonating Brianna Allen</p> <p>17 at NAF's 2014 annual meeting?</p> <p>18 MR. KOLLER: Objection; assumes facts not</p> <p>19 in evidence, lacks foundation, vague and ambiguous.</p> <p>20 I'd advise my client not to answer on the</p> <p>21 grounds it may incriminate her.</p> <p>22 BY MR. McMANUS:</p> <p>23 Q. Do you intend to assert the Fifth Amendment</p> <p>24 with respect to that question?</p> <p>25 A. Yes.</p>	<p>Page 241</p> <p>1 Q. Referring back to Exhibit 554, which is the</p> <p>2 color image that I just showed you, the business</p> <p>3 card depicted in Exhibit 555 is one of the business</p> <p>4 cards depicted in the stack on the table in the</p> <p>5 image; correct?</p> <p>6 MR. KOLLER: Objection; assumes facts not</p> <p>7 in evidence, lacks foundation, vague and ambiguous.</p> <p>8 And I'd advise my client not to answer on</p> <p>9 the grounds it may incriminate her.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment</p> <p>12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. You handed out the business card depicted</p> <p>15 in Exhibit 555 to NAF members when they came to the</p> <p>16 BioMax table at NAF's 2014 annual meeting; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not</p> <p>18 in evidence, lack of foundation, vague and</p> <p>19 ambiguous.</p> <p>20 I'd advise my client not to answer on the</p> <p>21 grounds it may incriminate her.</p> <p>22 BY MR. McMANUS:</p> <p>23 Q. Do you intend to assert the Fifth Amendment</p> <p>24 with respect to that question?</p> <p>25 A. Yes.</p>

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<p>1 Q. You handed out these business cards with 2 the intention that the NAF members to whom you 3 handed them would follow up with you after NAF's 4 2014 annual meeting; correct?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lack of foundation, vague and 7 ambiguous.</p> <p>8 I'd advise my client not to answer on the 9 grounds it may incriminate her.</p> <p>10 BY MR. McMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment 12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. In Exhibit 554 you'll notice various 15 pamphlets and literature on the BioMax Procurement 16 Services table.</p> <p>17 You handed these brochures and pamphlets 18 out to NAF members when they came to the BioMax 19 Procurement Services table; correct?</p> <p>20 MR. KOLLER: Objection; assumes facts not 21 in evidence, lacks foundation as to what those items 22 are on the table.</p> <p>23 I would advise my client not to answer on 24 the grounds it may incriminate her.</p> <p>25 //</p>	<p>1 BY MR. McMANUS: 2 Q. Do you intend to assert the Fifth Amendment 3 with respect to that question? 4 A. Yes. 5 Q. NAF members did, in fact, approach you at 6 the BioMax Procurement Services table at NAF's 2014 7 annual meeting; correct? 8 MR. KOLLER: Objection; assumes facts not 9 in evidence, lacks foundation, vague and ambiguous. 10 I'd advise my client not to answer on the 11 grounds it may incriminate her.</p> <p>12 BY MR. McMANUS:</p> <p>13 Q. Do you intend to assert the Fifth Amendment 14 with respect to that question? 15 A. Yes. 16 Q. Did you infiltrate any conferences of 17 reproductive healthcare providers after NAF's 2014 18 annual meeting? 19 MR. KOLLER: I'd advise my client not to 20 answer that on the grounds it may incriminate 21 herself.</p> <p>22 BY MR. McMANUS:</p> <p>23 Q. Do you intend to assert the Fifth Amendment 24 with respect to that question? 25 A. Yes.</p>
<p>1 Page 244</p> <p>1 Q. Did you have any contact with David 2 Daleiden after NAF's 2014 annual meeting?</p> <p>3 MR. KOLLER: Objection; lack of foundation, 4 vague and ambiguous.</p> <p>5 I'd advise my client not to answer that on 6 the grounds it may incriminate her.</p> <p>7 BY MR. McMANUS:</p> <p>8 Q. Do you intend to assert the Fifth Amendment 9 with respect to that question?</p> <p>10 A. Yes.</p> <p>11 MR. McMANUS: I'm introducing as Exhibit 12 556 this document which is Bates-stamped CM03498. 13 It is an e-mail, dated July 8, 2014, with the 14 subject "Reimbursement?" from David Daleiden to a 15 Brianna, attaching CMP Contract 2014BB.pdf. 16 (Deposition Exhibit 556 was marked for 17 identification)</p> <p>18 BY MR. McMANUS:</p> <p>19 Q. I'll give you a moment to look over the 20 document and its attachment.</p> <p>21 A. (Reviewing document.)</p> <p>22 Q. Ms. Baxter, have you seen this e-mail, 23 Exhibit 556, before today?</p> <p>24 MR. KOLLER: I would advise my client not 25 to answer that on the grounds it may incriminate</p>	<p>1 Page 245</p> <p>1 herself.</p> <p>2 BY MR. McMANUS: 3 Q. Do you intend to assert the Fifth Amendment 4 with respect to that question? 5 A. Yes. 6 Q. The document says: 7 "Hi Brianna! I hope you are well." 8 Daleiden was saying "hope you are well" 9 because you had not been in -- you two had not been 10 in contact recently; correct? 11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lack of foundation. 13 I'd advise my client not to answer on the 14 grounds it may incriminate herself.</p> <p>15 BY MR. McMANUS:</p> <p>16 Q. Do you intend to assert the Fifth Amendment 17 with respect to that question? 18 A. Yes. 19 Q. Mr. Daleiden then says: "School is over, 20 right?" 21 That's because you had gone back to school 22 following your infiltration of NAF's 2014 annual 23 meeting; correct? 24 MR. KOLLER: Objection; assumes facts not 25 in evidence, lack of foundation, vague and</p>

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<p>1 ambiguous.</p> <p>2 I'd advise my client not to answer on the</p> <p>3 grounds it may incriminate her.</p> <p>4 BY MR. McMANUS:</p> <p>5 Q. Do you intend to assert the Fifth Amendment</p> <p>6 with respect to that question?</p> <p>7 A. Yes.</p> <p>8 Q. Mr. Daleiden then says:</p> <p>9 "I don't think I ever got any claims for</p> <p>10 reimbursement from you."</p> <p>11 What would Mr. Daleiden be reimbursing you</p> <p>12 for?</p> <p>13 MR. KOLLER: Objection; assumes facts not</p> <p>14 in evidence, lack of foundation.</p> <p>15 I'd advise my client not to answer on the</p> <p>16 grounds it may incriminate herself.</p> <p>17 BY MR. McMANUS:</p> <p>18 Q. Do you intend to assert the Fifth Amendment</p> <p>19 with respect to that question?</p> <p>20 A. Yes.</p> <p>21 Q. Mr. Daleiden then asks:</p> <p>22 "Otherwise, I think I owe you \$500 for the</p> <p>23 operation."</p> <p>24 Was that the total amount that Mr. Daleiden</p> <p>25 paid you for the operation?</p>	<p>1 MR. KOLLER: Objection; assumes facts not</p> <p>2 in evidence, vague and ambiguous, lack of</p> <p>3 foundation.</p> <p>4 Advise my client not to answer on the</p> <p>5 grounds it may incriminate her.</p> <p>6 BY MR. McMANUS:</p> <p>7 Q. Do you intend to assert the Fifth Amendment</p> <p>8 with respect to that question?</p> <p>9 A. Yes.</p> <p>10 Q. "The operation" that Mr. Daleiden refers to</p> <p>11 was your infiltration of NAF's 2014 annual meeting;</p> <p>12 correct?</p> <p>13 MR. KOLLER: Objection; lack of foundation,</p> <p>14 vague and ambiguous.</p> <p>15 Advise my client not to answer on the</p> <p>16 grounds it may incriminate her.</p> <p>17 BY MR. McMANUS:</p> <p>18 Q. Do you intend to assert the Fifth Amendment</p> <p>19 with respect to that question?</p> <p>20 A. Yes.</p> <p>21 Q. Mr. Daleiden then says:</p> <p>22 "[...]if you can just sign the same</p> <p>23 contract as last time (back date to April</p> <p>24 3rd, 2014 or so) I can send that."</p> <p>25 Mr. Daleiden is referring to the attached</p>
<p>1 Independent Contractor Agreement starting on the</p> <p>2 page Bates-numbered CM03499 in Exhibit 556; correct?</p> <p>3 MR. KOLLER: Objection; lack of foundation,</p> <p>4 calls for speculation.</p> <p>5 Advise my client not to answer on the</p> <p>6 grounds it may incriminate her.</p> <p>7 BY MR. McMANUS:</p> <p>8 Q. Do you intend to assert the Fifth Amendment</p> <p>9 with respect to that question?</p> <p>10 A. Yes.</p> <p>11 Q. Now, in the Independent Contractor</p> <p>12 Agreement that is attached to that e-mail, it says:</p> <p>13 "This Contractor Agreement ('Agreement') is</p> <p>14 effective as of" -- blank -- "('Effective</p> <p>15 Date') by and between The Center for</p> <p>16 Medical Progress, a California corporation,</p> <p>17 as one Party, and Brianna Baxter</p> <p>18 ('Contractor') as the other Party to this</p> <p>19 Agreement."</p> <p>20 You are the Brianna Baxter that this</p> <p>21 Independent Contractor Agreement refers to; correct?</p> <p>22 MR. KOLLER: Objection; vague and</p> <p>23 ambiguous, lacks foundation.</p> <p>24 Advise my client not to answer on the</p> <p>25 grounds it may incriminate her.</p>	<p>1 BY MR. McMANUS:</p> <p>2 Q. Do you intend to assert the Fifth Amendment</p> <p>3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. In paragraph 1, "Services," it says:</p> <p>6 "Contractor shall provide certain services</p> <p>7 for The Center for Medical Progress as an</p> <p>8 independent contractor (including, without</p> <p>9 limitation, services such as investigative</p> <p>10 research and journalism, expert analysis,</p> <p>11 and other similar services ('Services')."</p> <p>12 Do you have any training in journalism?</p> <p>13 MR. KOLLER: I'd object as to relevance.</p> <p>14 But you can answer.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MR. McMANUS:</p> <p>17 Q. Did you ever take any journalism classes at</p> <p>18 any point in your schooling?</p> <p>19 MR. KOLLER: Objection; relevance.</p> <p>20 But, again you can answer.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. McMANUS:</p> <p>23 Q. Are you aware of any ethical standards that</p> <p>24 apply to journalists?</p> <p>25 MR. KOLLER: Objection; lacks foundation,</p>

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<p>1 assumes facts not in evidence, and calls for a legal 2 conclusion.</p> <p>3 And I would advise her not to answer on the 4 grounds it may incriminate her.</p> <p>5 BY MR. MCMANUS:</p> <p>6 Q. Do you intend to assert the Fifth Amendment 7 with respect to that question?</p> <p>8 A. Yes.</p> <p>9 Q. In paragraph 4, "Compensation and 10 Reimbursement," under subsection (a) it says: 11 "Compensation: The Center for Medical 12 Progress agrees to pay Contractor \$500 for 13 undercover work in the field from April 5th 14 to April 8th, 2014." 15 That refers to your infiltration of the NAF 16 2014 annual meeting; correct?</p> <p>17 MR. KOLLER: Objection; assumes facts not 18 in evidence, lack of foundation, vague and 19 ambiguous.</p> <p>20 And I'd advise my client not to answer on 21 the grounds it would -- it could -- it could 22 incriminate her.</p> <p>23 BY MR. MCMANUS:</p> <p>24 Q. Do you intend to assert the Fifth Amendment 25 with respect to that question?</p>	<p>1 A. Yes. 2 Q. I am going to turn to paragraph 6 now, 3 which is on the next page. It says: 4 "Return of Work Product: Upon completion 5 of the Services, termination of this 6 Agreement or at The Center for Medical 7 Progress's request, Contractor shall 8 promptly return or deliver to The Center 9 for Medical Progress any and all work 10 product of any kind including, without 11 limitation, any and all video or audio 12 materials[...]" 13 And the list continues on. 14 Did you, in fact, return all work product 15 to the Center for Medical Progress as defined by 16 this Independent Contractor Agreement at the 17 termination of your -- at the termination of this 18 agreement with the Center for Medical Progress? 19 MR. KOLLER: I'd object assumes facts not 20 in evidence, compound question, lacks foundation, 21 vague, ambiguous, and calls for a legal conclusion. 22 And I'd advise my client not to answer on 23 the grounds it may incriminate her.</p> <p>24 BY MR. MCMANUS:</p> <p>25 Q. Do you intend to assert the Fifth Amendment</p>
<p>1 with respect to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Did you retain any documents or video that 4 you obtained from NAF's 2014 annual meeting?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lack of foundation, vague and 7 ambiguous.</p> <p>8 Advise my client not to answer on the 9 grounds it may incriminate her.</p> <p>10 BY MR. MCMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment 12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 MR. KOLLER: Doing okay?</p> <p>15 THE WITNESS: Yeah.</p> <p>16 MR. KOLLER: Okay.</p> <p>17 BY MR. MCMANUS:</p> <p>18 Q. Did you retain any e-mails, text messages, 19 voicemail messages, or other communications with 20 David Daleiden in conjunction with your work for the 21 Center for Medical Progress?</p> <p>22 MR. KOLLER: Objection; assumes facts not 23 in evidence, lacks foundation, vague and ambiguous.</p> <p>24 And I would advise my client not to answer 25 on the grounds it may incriminate her.</p>	<p>1 BY MR. MCMANUS: 2 Q. Do you intend to assert the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes. 5 Q. I'm turning now to the next page under 6 paragraph 9. It says "Confidential Information." 7 Near the bottom of the page, after the 8 bolded "Confidential Information," the document 9 says: 10 "Contractor agrees that, upon termination 11 of this Agreement for any reason, 12 Contractor will immediately deliver to The 13 Center for Medical Progress all 14 documentation, computer files or other 15 items containing or relating to 16 Confidential Information as well as any 17 other matters which may involve the 18 operations of The Center for Medical 19 Progress or any of its associates[...]" 20 And it goes on. 21 What did you understand "Confidential 22 Information" to include? 23 MR. KOLLER: Objection; calls for a legal 24 conclusion, vague and ambiguous. 25 And I'd advise my client not to answer on</p>

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<p>1 the grounds it may incriminate her.</p> <p>2 BY MR. MCMANUS:</p> <p>3 Q. Do you intend to assert the Fifth Amendment 4 with respect to that question?</p> <p>5 A. Yes.</p> <p>6 Q. Did you, in fact, return "all 7 documentation, computer files or other items 8 containing or relating to Confidential Information" 9 to the Center for Medical Progress at the 10 termination of this agreement?</p> <p>11 MR. KOLLER: Objection; assumes facts not 12 in evidence, lack of foundation. 13 Advise my client not to answer on the 14 grounds it may incriminate her.</p> <p>15 BY MR. MCMANUS:</p> <p>16 Q. Do you intend to assert the Fifth Amendment 17 with respect to that question?</p> <p>18 A. Yes.</p> <p>19 Q. Did you in fact sign this agreement?</p> <p>20 MR. KOLLER: Objection; assumes facts not 21 in evidence, lack of foundation. 22 Advise my client not to answer on the 23 grounds it may incriminate her.</p> <p>24 BY MR. MCMANUS:</p> <p>25 Q. Do you intend to assert the Fifth Amendment</p>	<p>1 with respect to that question?</p> <p>2 A. Yes.</p> <p>3 Q. Did Mr. Daleiden pay you \$500 for your 4 infiltration of NAF's 2014 annual meeting?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lack of foundation, vague and 7 ambiguous. 8 Advise my client not to answer on the 9 grounds it may incriminate her.</p> <p>10 BY MR. MCMANUS:</p> <p>11 Q. Do you intend to assert the Fifth Amendment 12 with respect to that question?</p> <p>13 A. Yes.</p> <p>14 Q. Did you know that the viral undercover 15 videos published by CMP on and after July 14th, 16 2015, would result in harassment, hate speech and 17 death threats to NAF meeting attendees and Planned 18 Parenthood officials who were depicted in those 19 videos?</p> <p>20 MR. KOLLER: I'd object it assumes facts 21 not in evidence. I believe it's asked and answered. 22 Lacks foundation, vague and ambiguous, compound. 23 And I would advise my client not to answer 24 on the grounds it may incriminate her.</p> <p>25 //</p>
<p style="text-align: center;">Page 256</p> <p>1 BY MR. MCMANUS:</p> <p>2 Q. Do you intend to assert the Fifth Amendment 3 with respect to that question?</p> <p>4 A. Yes.</p> <p>5 Q. You intended to inflict harm on NAF with 6 these videos; correct?</p> <p>7 MR. KOLLER: Objection; assumes facts not 8 in evidence, lacks foundation. 9 I'd advise my client not to answer that on 10 the grounds it may incriminate her.</p> <p>11 BY MR. MCMANUS:</p> <p>12 Q. Do you intend to assert the Fifth Amendment 13 with respect to that question?</p> <p>14 A. Yes.</p> <p>15 Q. Did you personally intend for the subjects 16 of CMP's viral video campaign to be victimized by 17 violence at the hands of extremists?</p> <p>18 MR. KOLLER: Objection; assumes facts not 19 in evidence. Also, I believe it's been asked and 20 answered, lacks foundation, vague and ambiguous. 21 And I'd advise my client not to answer that 22 on the grounds it may incriminate her.</p> <p>23 BY MR. MCMANUS:</p> <p>24 Q. Do you intend to assert the Fifth Amendment 25 with respect to that question?</p>	<p style="text-align: center;">Page 257</p> <p>1 A. Yes.</p> <p>2 Q. Are you aware that a court order prohibits 3 public disclosure of any video or audio recordings 4 taken from NAF annual meeting in 2019?</p> <p>5 MR. KOLLER: Objection; assumes facts not 6 in evidence, lacks foundation, vague and ambiguous. 7 I'd advise my client not to answer on the 8 grounds it may incriminate her.</p> <p>9 BY MR. MCMANUS:</p> <p>10 Q. Do you intend to assert the Fifth Amendment 11 with respect to that question?</p> <p>12 A. Yes.</p> <p>13 Q. Are you currently engaged in any undercover 14 sting operations involving NAF's annual meetings?</p> <p>15 MR. KOLLER: Objection; assumes facts not 16 in evidence, lacks foundation, vague and ambiguous. 17 And ask my client not to answer on the 18 grounds it may incriminate her.</p> <p>19 BY MR. MCMANUS:</p> <p>20 Q. Do you intend to assert the Fifth Amendment 21 with respect to that question?</p> <p>22 A. Yes.</p> <p>23 Q. Are you currently engaged in undercover 24 sting operations involving Planned Parenthood 25 clinics or events?</p>

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1 REPORTER'S CERTIFICATE	1 I N D E X
2 I, CYNTHIA MANNING, a Certified Shorthand	2 SATURDAY, MAY 11, 2019
3 Reporter of the State of California, do hereby	3 DEPOSITION OF BRIANNA BAXTER
4 certify:	4
5 That the foregoing proceedings were taken	5 EXAMINATION
6 before me at the time and place herein set forth;	6 BY MS. MAYO
7 that any witnesses in the foregoing proceedings,	7 AFTERNOON SESSION
8 prior to testifying, were placed under oath; that a	8 BY MR. MCMANUS
9 verbatim record of the proceedings was made by me	9
10 using machine shorthand which was thereafter	10 * * *
11 transcribed under my direction; further, that the	11
12 foregoing is an accurate transcription thereof.	12
13 I further certify that I am neither	13
14 financially interested in the action, nor a relative	14
15 or employee of any attorney of any of the parties.	15
16 Before completion of the deposition, review	16
17 of the transcript [] was [X] was not requested. If	17
18 requested, any changes made by the deponent (and	18
19 provided to the reporter) during the period allowed	19
20 are appended hereto.	20
21 In witness whereof, I have subscribed my	21
22 name this 14th day of May, 2019.	22
23	23
24	24
25 _____ CYNTHIA MANNING, CSR No. 7645, CCRR, CLR	25
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1 I N D E X (Continued)	1 I N D E X (Continued)
2 DEPOSITION EXHIBITS	2 DEPOSITION EXHIBITS
3	3
4 EXHIBIT	4 EXHIBIT
5	5 PAGE
6 Exhibit 531 Web page printout from 37	6 Exhibit 537 BioMax brochure 87
7 Survivors of the Abortion	7 PP0000256 - PPOOOO257
8 Holocaust blog	8
9	9 Exhibit 538 Photocopies of California 99
10 Exhibit 532 E-mail(s) 44	10 driver's licenses
11 CM00044 - CM00045	11 PP0000253 - PP0000254
12	12
13 Exhibit 533 E-mails(s) 64	13 Exhibit 539 Photocopy of Visa cards 102
14 CM00100 - CM00102	14 CM00005 - CM00006
15	15
16 Exhibit 534 Document titled "Confidential: 69	16 Exhibit 540 E-mail(s) 107
17 Field Worker Vocabulary"	17 CM02531 - CM02532
18 CM16036 - CM16038	18
19	19 Exhibit 541 E-mail(s) 112
20 Exhibit 535 E-mail(s) 74	20 CM03463 - CM03465
21 CM00014	21
22	22 Exhibit 542 Black and white photo of 116
23 Exhibit 536 Registration Confirmation for 75	23 BioMax Exhibitors
24 AHRP conference for Brianna Allen	24 PP0007917
25 PP0000136 - PP0000141	25

EXHIBIT 5

PLANNED PARENTHOOD FEDERATION OF AMERICA,)

6 INC., ET AL,

)

7 Plaintiff)

)

8 VS.

)

THE CENTER FOR MEDICAL PROGRESS, ET AL.)

)

10 Defendant)

)

12

14

14 Deposition of Annamarie Davin, taken on behalf of
15 the Plaintiffs, pursuant to the Federal Rules of Procedure,
16 before Tamara Gschwandtner, Professional Reporter and Notary
17 Public, at Fairfield Inn & Suites, 121 Circuit Lane,
18 Jacksonville, North Carolina on the 22nd day of March, 2019,
19 commencing at 9:37 a.m.

20

21

22

23

24

25 TOP NO 156502

<p style="text-align: center;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 On Behalf of Plaintiff NAF:</p> <p>3 CHRISTOPHER ROBINSON, ESQUIRE MORRISON & FOERSTER 425 Market Street San Francisco, California 94105</p> <p>7 On Behalf of Plaintiff Planned Parenthood:</p> <p>8 JEREMY KAMRAS, ESQUIRE Arnold & Porter Three Embarcadero Center 10 San Francisco, California 94111</p> <p>12 On Behalf of Defendant Davin:</p> <p>13 B. BROOKS, ESQUIRE 4050 Yellowfield Way Cary, North Carolina 27518</p> <p>16 On Behalf of Defendant Newman:</p> <p>17 ERIK ZIMMERMAN, ESQUIRE AMERICAN CENTER FOR LAW & JUSTICE 3001 Plymouth Road 19 Ann Arbor, Michigan 48105</p>	<p style="text-align: center;">Page 3</p> <p>1 On Behalf of Defendant Merritt: 2 HORATIO MIHET, ESQUIRE LIBERTY COUNSEL 3 Post Office Box 540774 Orlando, Florida 32854</p> <p>5 On Behalf of Defendant Rhomberg: 6 CATHERINE SHORT, ESQUIRE LIFE LEGAL DEFENSE FOUNDATION Post Office Box 1313 8 Ojai, California 93024 9 Appearing via telephone</p>																																													
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<p style="text-align: center;">Page 6</p> <p>1 (Plaintiff's Exhibit Number 200 2 marked for identification)</p> <p>3 (The Video Deposition commenced at 9:37 a.m.)</p> <p>4 THE VIDEOGRAPHER: The following will be the 5 videotaped deposition of Anna Marie Davin in the matter of 6 Planned Parenthood Federation of America, Incorporated et al 7 versus the Center for Medical Progress. Today's date is 8 March 22, 2019 and the time is 9:37 a.m.. We are here today 9 at the Fairfield Inn and Suites located a 121 Circuit Lane 10 Jacksonville, North Carolina. The court reporter today is 11 Ms. Tammy Gschwandtner and the videographer is Mr. Jon 12 Landau. At this time I will ask all attorneys present to 13 state your name and whom they represent for the record.</p> <p>14 MR. ROBINSON: Christopher Robinson with 15 Morrison and Foerster for plaintiff NAF.</p> <p>16 MR. KAMRAS: Jeremy Kamras with Arnold, Porter 17 for Plaintiff Planned Parenthood Federation of America and 18 affiliates.</p> <p>19 MR. MIHET: Horatio Mihet, Liberty Counsel for 20 Defendant Sandra Susan Merritt.</p> <p>21 MR. ZIMMERMAN: Erik Zimmerman, American Center 22 for Law and Justice for Defendant Troy Newman.</p> <p>23 MR. BROOKS: Tyler Brooks, Law office of B. 24 Tyler Brooks Counsel for the witness, Annamarie Davin.</p> <p>25 THE VIDEOGRAPHER: You may swear the witness.</p>	<p style="text-align: center;">Page 7</p> <p>1 ANNAMARIE DAVIN 2 The Witness, after being duly sworn 3 testified as follows: 4 DIRECT EXAMINATION</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. Hi, good morning, you heard me introduce myself, 7 Christopher Robinson, counsel for NAF. Thank you for 8 spending the day with us today. Could you please state your 9 name for the record?</p> <p>10 A. Annamarie Gates Davin.</p> <p>11 Q. Where do you currently live?</p> <p>12 MR. BROOKS: If I could ask, I think there's a 13 protective order in this case, and if we could designate this 14 deposition transcript as attorneys eyes only, highly 15 confidential.</p> <p>16 MR. ROBINSON: Okay.</p> <p>17 MR. MIHET: I'll second that.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. So the pending question, where do you currently 20 live?</p> <p>21 A. Jacksonville, North Carolina.</p> <p>22 Q. Do you go by any other legal names?</p> <p>23 A. No.</p> <p>24 Q. Have you previously held yourself out as Rebecca 25 Wagner in connection with your work at the Center for Medical</p>
<p style="text-align: center;">Page 8</p> <p>1 Progress?</p> <p>2 MR. BROOKS: I'm going to object to the 3 question for form and lack of foundation; and also instruct 4 the witness not to answer on the grounds of the Fifth 5 Amendment of the U.S. Constitution as well as state privilege 6 including California Constitution Article 1, Section 15 and 7 Article 1, section 23 of the North Carolina Constitution and 8 instruct the witness not to answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. Will the witness answer?</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to answer.</p> <p>16 Q. So the Center for Medical Progress I might 17 abbreviate to CMP. You will understand me if I do that?</p> <p>18 A. Yes.</p> <p>19 Q. Have you assumed any other adopted names in 20 connection with your work for CMP?</p> <p>21 MR. BROOKS: Again, we object on the grounds of 22 form, lack of foundation, and also under the Fifth Amendment 23 of the U.S. Constitution as well as state privilege including 24 California Constitution Article 1, Section 15 and Article 1 25 Section 23 of the North Carolina Constitution and I therefore</p>	<p style="text-align: center;">Page 9</p> <p>1 instruct the witness not to answer.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Have you ever been convicted of a felony?</p> <p>10 A. No.</p> <p>11 Q. Have you ever been arrested?</p> <p>12 A. Yes.</p> <p>13 Q. Describe in what context you have previously been 14 arrested.</p> <p>15 MR. MIHET: Form, relevance.</p> <p>16 MR. BROOKS: I'll join that objection.</p> <p>17 A. I was arrested for using sidewalk chalk on the wrong 18 part of a sidewalk. It was the private part of a sidewalk 19 versus the public part of a sidewalk, and it was accidental. 20 I offered to use a water bottle to wash it off.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. Did that occur in connection with some kind of 23 protest work?</p> <p>24 MR. BROOKS: Objection, relevance and form, but 25 you can answer.</p>

<p style="text-align: center;">Page 10</p> <p>1 A. I wouldn't consider it protest work. It was 2 educational work. 3 BY MR. ROBINSON: 4 Q. What was the nature of the work? 5 MR. BROOKS: Objection to form, relevance, but 6 you can answer. 7 MR. KAMRAS: Counsel, you know that's not a 8 proper objection in a deposition. 9 MR. BROOKS: Thank you very much. I appreciate 10 your assistance. 11 A. Could you repeat the question. 12 BY MR. ROBINSON: 13 Q. Could you describe for us the nature of the work 14 that led to the arrest you just described? 15 MR. BROOKS: Same objection. 16 A. The nature of work was educating those that were 17 there about the rights of the pre-born. 18 BY MR. ROBINSON: 19 Q. Was this in North Carolina? 20 A. No. 21 Q. Where was it? 22 MR. BROOKS: Objection, form and relevance, but 23 you can answer. 24 A. I believe it was in Virginia. 25 BY MR. ROBINSON:</p>	<p style="text-align: center;">Page 11</p> <p>1 Q. Were you charged with a crime in connection with 2 that? 3 MR. BROOKS: Same objection. 4 A. You will have to forgive me, I don't know exactly 5 which legal terminology I should be using. 6 BY MR. ROBINSON: 7 Q. I can rephrase. Did you appear in court in 8 connection with that arrest? 9 A. I did -- 10 MR. BROOKS: Objection, vague, form, relevance, 11 but you can answer. 12 A. I did appear in court. 13 BY MR. ROBINSON: 14 Q. What was the outcome of that court appearance? 15 MR. BROOKS: Same objections. 16 A. I, again, apologize if I don't know the proper 17 terminology. I don't have anything on my record. I believe 18 there was an agreement reached. 19 BY MR. ROBINSON: 20 Q. Have you been arrested on any other occasion other 21 than the one you just described? 22 A. No. 23 MR. BROOKS: Same objection. 24 BY MR. ROBINSON: 25 Q. Have you ever been charged with a crime on any other</p>
<p style="text-align: center;">Page 12</p> <p>1 occasion other than the one you described? 2 MR. BROOKS: Form, relevance, and vagueness, 3 but you can answer. 4 A. No. 5 BY MR. ROBINSON: 6 Q. What did you do to prepare for your deposition 7 today? 8 MR. BROOKS: I want to object to the extent 9 that that question calls for discussion of attorney-client 10 privileged materials. I would instruct the witness not to 11 discuss anything that she and I have discussed. 12 A. Nothing. 13 BY MR. ROBINSON: 14 Q. Typically people describe what they did. Like, I 15 met with my lawyer; I reviewed documents; I did something. 16 I'm not looking for any communications between you and your 17 lawyer, so I don't want to encroach upon the privilege, but I 18 am entitled to know whether you met previously with someone; 19 a lawyer in prep for your depo; what you reviewed, if 20 anything, to help refresh your recollection about events that 21 happened; and that's the kind of information I'm seeking. 22 With that clarification, let me try again. What did you do 23 to prepare for your deposition today? 24 MR. MIHET: Form, asked and answered. 25 MR. BROOKS: Form, asked and answered and also</p>	<p style="text-align: center;">Page 13</p> <p>1 and invasion of attorney-client privilege as stated. I would 2 instruct the witness not to disclose anything that we 3 discussed. 4 BY MR. ROBINSON: 5 Q. So the question pending is still, what did you do to 6 -- I'm gathering from the objections you met with your 7 lawyers before today. So let me try one more time. 8 MR. ROBINSON: And, Counsel, I think the 9 objections are a little obtrusive, I think. The witness is 10 not quite responding, I think, listening to the objections. 11 I don't mind the objections to form, that's fine. I don't 12 mind the instructions not to reveal privileged information, 13 that's fine; but I'm not seeking privileged information. 14 This is a basic question asked in every case, and I just want 15 to make sure that we're not unduly lengthening the day. 16 MR. BROOKS: If I could just suggest to Counsel 17 if he rephrases the question or appendages an exception to 18 the end of it, I will withdraw the instruction not to answer. 19 MR. ROBINSON: You're instructing not to answer 20 that question? Let me try one more take. 21 MR. BROOKS: No, if you'd just exclude 22 attorney-client privilege -- 23 BY MR. ROBINSON: 24 Q. Let me try one more time. What did you do to 25 prepare for your deposition today?</p>

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<p>1 MR. BROOKS: Again, objection to the extent 2 that calls for materials or information discussed with me. 3 MR. MIHET: Also asked and answered. 4 MR. BROOKS: Yes, and form. 5 BY MR. ROBINSON: 6 Q. This is -- 7 A. I'm sorry, I spoke with my attorney. 8 Q. You're refusing to answer the question? 9 MR. MIHET: No, she answered. 10 BY MR. ROBINSON: 11 Q. I just didn't hear it, then. 12 A. I'm sorry. I spoke with my attorney. 13 Q. When did you meet with your attorney in preparation 14 for your deposition today? 15 MR. MIHET: Objection, misstates the testimony, 16 assumes facts not in evidence, lacks foundation. 17 MR. BROOKS: I'll join in those objections. 18 BY MR. ROBINSON: 19 Q. Let me rephrase. When did you speak with your 20 attorney in preparation for your deposition today? 21 MR. BROOKS: Same objections. 22 A. I spoke with him on the phone. I couldn't tell you 23 exactly when. 24 BY MR. ROBINSON: 25 Q. Was it yesterday?</p>	<p>1 A. Yes. 2 MR. BROOKS: Belated objection to form and also 3 assuming facts not in evidence. 4 BY MR. ROBINSON: 5 Q. About how long did that communication last? 6 A. I'm not exactly sure. 7 Q. Did you review any documents in preparing for your 8 deposition today? 9 MR. BROOKS: I would just object to the extent 10 that requires any information discussed with me as invasive 11 of the attorney-client privilege, and I would instruct the 12 witness not to disclose anything that we discussed. 13 MR. MIHET: Also lacks foundation. 14 MR. BROOKS: I would also join that 15 objection. 16 MR. ROBINSON: Are you instructing the witness 17 not to answer? 18 MR. BROOKS: I'm instructing the witness not to 19 answer to the extent it requires disclosure of information 20 that we might have discussed. 21 BY MR. ROBINSON: 22 Q. Do you have want to hear the question again? 23 A. Certainly. 24 Q. Did you review any documents in preparing for your 25 deposition today?</p>
<p style="text-align: center;">Page 16</p> <p>1 MR. BROOKS: Same objection. 2 MR. MIHET: Lacks foundation. 3 MR. BROOKS: Yes, additionally lacks 4 foundation. 5 A. No. 6 BY MR. ROBINSON: 7 Q. Did you review any video in preparing for your 8 deposition today? 9 MR. BROOKS: Again, I would object to the 10 extent that requires discussion of any material that we might 11 have discussed invasive of attorney-client privilege. I'm 12 objecting to the extent your asking anything that is invasive 13 of the attorney-client privilege and instructing her not to 14 disclose anything that we might have discussed. 15 MR. MIHET: Also lacks foundation. 16 MR. BROOKS: Yes, and lacks foundation. 17 BY MR. ROBINSON: 18 Q. Do you remember the question? 19 A. No, could you please repeat it. 20 Q. Did you review any video in preparing for your 21 deposition today? 22 A. No. 23 Q. The phone call that you described, that was with the 24 attorney sitting next to you, Mr. Brooks? 25 A. Yes.</p>	<p style="text-align: center;">Page 17</p> <p>1 Q. Was anyone else on that call? 2 MR. BROOKS: Again, I will object to the 3 extent that lacks foundation; and also to the extent that 4 this is invasive of attorney-client privilege, and remind the 5 witness not to disclose anything that she and I might have 6 discussed; and also lacks foundation and vague, the form of 7 the question. 8 A. My husband was on the call. 9 BY MR. ROBINSON: 10 Q. Anyone else? 11 A. No. 12 Q. What was the purpose of your husband being on the 13 call? 14 MR. BROOKS: I'll object and instruct the 15 witness not to answer on the basis of attorney-client 16 privilege, joint representation privilege, and spousal 17 privilege, and instruct the witness not to answer the 18 question. 19 BY MR. ROBINSON: 20 Q. Were any lawyers from CMP on the call? 21 MR. BROOKS: I'm going to instruct -- I'm 22 going to object on the grounds of lack of foundation and 23 form. 24 BY MR. ROBINSON: 25 Q. I'll rephrase. Was anyone else on the call other</p>

<p style="text-align: center;">Page 18</p> <p>1 than you, your husband and Mr. Brooks?</p> <p>2 MR. BROOKS: Same objections.</p> <p>3 A. No.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. Did you meet with any of CMP's lawyers in preparing 6 for your deposition today?</p> <p>7 MR. BROOKS: Objection, form.</p> <p>8 A. No.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. You didn't meet with either of these two gentlemen 11 sitting to your right, correct?</p> <p>12 MR. BROOKS: Objection, asked and answered.</p> <p>13 MR. MIHET: Objection, assumes facts not in 14 evidence; and for the record, I am not a CMP lawyer. I think 15 counsel's question wrongly implies that I am.</p> <p>16 MR. BROOKS: And also vague as to the identity 17 of the two gentlemen here. I'm not sure the witness knows 18 who these gentlemen are.</p> <p>19 A. I did not meet with these two gentlemen.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. Thank you. I'm going to hand you what's been 22 premarked as Exhibit 200.</p> <p>23 MR. BROOKS: Do you have a copy for me?</p> <p>24 MR. ROBINSON: Sure. It's the deposition 25 subpoena.</p>	<p style="text-align: center;">Page 19</p> <p>1 MR. BROOKS: Thank you, sir, appreciate it.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. You understand you're here under a subpoena to give 4 testimony under oath today, correct?</p> <p>5 MR. BROOKS: Objection, form.</p> <p>6 A. Yes.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Do you intend to tell the truth today?</p> <p>9 MR. BROOKS: Objection, argumentative and form.</p> <p>10 A. Of course.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Have you ever had your deposition taken?</p> <p>13 A. No.</p> <p>14 Q. So let me just explain a little bit about the 15 proceeding. We have a court reporter. She is taking down 16 everything that we say. It's important for us not to talk 17 over each other. Does that make sense?</p> <p>18 A. Yes.</p> <p>19 Q. There's a videographer also creating a video record 20 for us. We might play that video for the jury. Do you 21 understand that?</p> <p>22 A. Yes.</p> <p>23 Q. If at anytime you need a break, just let me know, we 24 can take a break. There's coffee and water behind you if you 25 want it.</p>
<p style="text-align: center;">Page 20</p> <p>1 A. Mm-hmm.</p> <p>2 Q. And I think that's the basics, but if you have any 3 questions about the proceeding today just let me know. If 4 you don't understand a question that I'm asking, for example, 5 you're free to ask for clarification. Does all of that make 6 sense?</p> <p>7 A. Yes, and if I could, I do have a nursing infant that 8 I would like to schedule some sort of a nursing break for. I 9 just would need a heads up so we can have ample time to get 10 the infant. Some sort of time window would be great.</p> <p>11 Q. I'll plan to take breaks every hour, and if you need 12 a longer break after every 3rd hour or 2-1/2 hours, however 13 old your infant is, that's fine, just let us know.</p> <p>14 A. Okay, I'll just need probably close to 11:30 or 12 15 if you let me know, let's say lunch break, then I can send a 16 pick up back to get the baby.</p> <p>17 Q. Absolutely. Let's mark as Exhibit 201, next in 18 order.</p> <p>19 (Plaintiff's Exhibit Number 201 20 marked for identification)</p> <p>21 Q. Take whatever time you need to review the document 22 that's in front of you. The first question simply is, do you 23 recognize the document?</p> <p>24 MR. BROOKS: I'm going to object on the grounds 25 of lack of foundation and also instruct the witness not to</p>	<p style="text-align: center;">Page 21</p> <p>1 answer under the Fifth Amendment of the U.S. Constitution as 2 well as state law including Article 1, Section 15 of the 3 California Constitution and Article 1, Section 23 of the 4 North Carolina Constitution and instruct the witness not to 5 answer.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. The document in front of you is a Linked In Profile 14 that you created detailing your education and professional 15 history, correct?</p> <p>16 MR. BROOKS: Objection, mischaracterizes prior 17 testimony, assumes facts not in evidence; and again, I 18 instruct the witness not to answer on the basis of the Fifth 19 Amendment of the U.S. Constitution as well as state laws 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and again, I instruct the witness not to answer.</p> <p>23 MR. MIHET: Also lacks foundation.</p> <p>24 MR. BROOKS: I'll join that objection.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>

<p style="text-align: center;">Page 22</p> <p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Your Linked In Profile accurately summarizes your 8 educational and professional experience, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation, 10 assumes facts not in evidence; and again, I instruct the 11 witness not to answer on the grounds of the Fifth Amendment 12 of the U.S. Constitution as well as state laws including 13 Article 1, Section 15 of the California Constitution and 14 Article 1, Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. Sorry, didn't mean to jump the gun. You received a 23 Bachelor of Arts in Sociology from Charter Oak State College 24 in Hartford, Connecticut in 2009, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 23</p> <p>1 Q. You received a Masters of Public Administration from 2 Andrew Jackson University of California, correct?</p> <p>3 MR. BROOKS: We'll object to the form of the 4 question. It's not clear whether Counsel is talking about 5 the document or just necessarily talking about the document.</p> <p>6 A. That's not what is listed on the document.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. New Charter University is listed on the document?</p> <p>9 A. I just wanted to clarify, I believe they may have 10 changed their name.</p> <p>11 Q. But it's the same school?</p> <p>12 A. Correct.</p> <p>13 Q. You received a Masters in Public Administration from 14 New Charter University in about 2012, correct?</p> <p>15 MR. BROOKS: Again, I'll just object to form 16 again and ask Counsel to clarify whether he's talking about 17 the document or whether he's just asking about Ms. Davin's 18 background generally?</p> <p>19 MR. ROBINSON: I don't mind you creating a 20 record, but I'm not going to engage in a dialogue about 21 clarifying a question. If the witness has an issue she can 22 certainly pipe up.</p> <p>23 MR. BROOKS: You can clarify the question or 24 not, it's up to you.</p> <p>25 A. Yes.</p>
<p style="text-align: center;">Page 24</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. New Charter University is a for profit online 3 school?</p> <p>4 MR. BROOKS: Objection, relevance and 5 foundation.</p> <p>6 A. I'm sorry, I can't speak to their --</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Is it an online school?</p> <p>9 A. I do not know the current status of the school.</p> <p>10 Q. Did you attend classes in person?</p> <p>11 A. No.</p> <p>12 Q. Did you attend classes online?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have any formal education in journalism?</p> <p>15 MR. BROOKS: Objection, form and relevance.</p> <p>16 MR. MIHET: Vague, ambiguous.</p> <p>17 MR. BROOKS: Join that objection.</p> <p>18 A. I would ask you to clarify what you mean by formal 19 education.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. You have no degrees in journalism from a school, 22 correct?</p> <p>23 A. That is correct.</p> <p>24 Q. You have no -- let me withdraw that. Have you ever 25 taken any academic classes under journalism?</p>	<p style="text-align: center;">Page 25</p> <p>1 MR. BROOKS: Objection, vague, form.</p> <p>2 A. I don't recall.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. You were a project manager at Live Action from 2008 5 to 2012, correct?</p> <p>6 MR. BROOKS: Objection, form, relevance.</p> <p>7 MR. ROBINSON: Hold on, before you go through 8 the litany, let me withdraw that.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. You were a project manager at Live Action from 2009 11 to 2012, correct?</p> <p>12 MR. BROOKS: Now objection, form, vagueness, 13 relevance; and again I instruct the witness not to answer on 14 the basis of the Fifth Amendment of the U.S. Constitution as 15 well as state laws including Article 1, Section 15 of the 16 California Constitution and Article 1, Section 23 of the 17 North Carolina Constitution.</p> <p>18 MR. MIHET: Also lacks foundation.</p> <p>19 MR. BROOKS: I'll join that objection.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>

<p style="text-align: center;">Page 26</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. What is Live Action?</p> <p>3 MR. BROOKS: Objection, foundation, vague, 4 assumes facts not in evidence; and again, I instruct the 5 witness not to answer on the basis of the Fifth Amendment of 6 the United States Constitution as well as state law including 7 Article 1, Section 15 of the California Constitution and 8 Article 1, Section 23 of the North Carolina Constitution, and 9 again, instruct the witness not to answer.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Live Action is a pro-life advocacy group that 18 engaged in so-called sting operations by taking surreptitious 19 video of Planned Parenthood events and clinics, and releasing 20 viral video of those encounters online, correct?</p> <p>21 MR. BROOKS: Objection, form, compound 22 question, lacks foundation and relevance; and I instruct the 23 witness not to answer on the grounds of the Fifth Amendment 24 of the United States Constitution as well as state laws 25 including Article 1, Section 15 of the California</p>	<p style="text-align: center;">Page 27</p> <p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and instruct the witness not to answer.</p> <p>3 MR. MIHET: Also argumentative and assumes 4 facts not in evidence.</p> <p>5 MR. BROOKS: I'll join those objections.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. The purpose of the videos produced by Live Action 14 during your tenure there between 2009 and 2012 was to create 15 public outrage at Planned Parenthood by releasing viral 16 videos of surreptitious clinic events, correct?</p> <p>17 MR. BROOKS: objection form, argumentative, 18 compound question. Also vague and also object under and I 19 instruct the witness not to answer under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 MR. MIHET: Also foundation and assumes facts 25 not in evidence.</p>
<p style="text-align: center;">Page 28</p> <p>1 MR. BROOKS: I'll join in those objections.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Do you know Lila Rose, founder of Live Action?</p> <p>10 MR. BROOKS: Objection, form, compound 11 question, assumes facts not in evidence, foundation; and I 12 also object under and I instruct the witness not to answer 13 under the Fifth Amendment of the United States Constitution 14 as well as state law including Article 1, Section 15 of the 15 California Constitution and Article 1, Section 23 of the 16 North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. In one Live Action video Lila Rose, who is then 19 25 years old, walked into a Planned Parenthood clinic claiming</p>	<p style="text-align: center;">Page 29</p> <p>1 she was a 15 year sex worker who had been impregnated by a 23 2 year old male in an undercover sting video designed to create 3 the narrative that Planned Parenthood condones child sex 4 trafficking. Are you aware of that video?</p> <p>5 MR. BROOKS: Objection, form, compound 6 question, lack of foundation, assumes facts not in evidence; 7 and I also object under and instruct the witness not to 8 answer under the Fifth Amendment of the United States 9 Constitution as well as state laws including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. Did you play any role in connection with that video 20 or any other like it during your work at Live Action?</p> <p>21 MR. BROOKS: Objection, form, foundation, 22 argumentative, vague. Also, I object under and instruct the 23 witness not to answer pursuant to the Fifth Amendment of the 24 United States Constitution as well as state law including 25 Article 1, Section 15 of the California Constitution and</p>

<p style="text-align: center;">Page 30</p> <p>1 Article 1, Section 23 of the North Carolina Constitution. 2 MR. MIHET: Plus assumes facts not in 3 evidence. 4 MR. BROOKS: I'll join that objection. 5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer. 11 BY MR. ROBINSON: 12 Q. Your Linked In Profile indicates that you assisted 13 with the recruitment and training of 60 students for social 14 media promotion while at Live Action. Is that correct? 15 MR. BROOKS: Objection, form, assumes facts not 16 in evidence, argumentative and also object under and instruct 17 the witness not to answer under the Fifth Amendment of the 18 United States Constitution as well as state law including 19 Article 1, Section 15 of the California Constitution and 20 Article 1, Section 23 of the North Carolina Constitution. 21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>	<p style="text-align: center;">Page 31</p> <p>1 answer. 2 BY MR. ROBINSON: 3 Q. You trained undercover actors while at Live Action 4 to infiltrate Planned Parenthood clinics and events, correct? 5 MR. BROOKS: Objection, form, compound 6 question, argumentative, lacks foundation; and also I object 7 under and instruct the witness not to answer pursuant to the 8 Fifth Amendment to the United States Constitution as well as 9 state law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution. 12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer. 18 BY MR. ROBINSON: 19 Q. Did you personally go undercover to infiltrate 20 Planned Parenthood clinics and events while at Live Action in 21 order to create so-called sting videos? 22 MR. BROOKS: Objection, form, lack of 23 foundation, assumes facts not in evidence; and also I object 24 under and instruct the witness not to answer pursuant to the 25 Fifth Amendment of the United States Constitution as well as</p>
<p style="text-align: center;">Page 32</p> <p>1 state law including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution. 4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer. 10 BY MR. ROBINSON: 11 Q. Do you know David Daleiden? 12 MR. BROOKS: Objection, form, vague. I also 13 object under and instruct the witness not to answer pursuant 14 to the Fifth Amendment of the United States Constitution as 15 well as state law including Article 1, Section 15 of the 16 California Constitution and Article 1, Section 23 of the 17 North Carolina Constitution. 18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer. 24 BY MR. ROBINSON: 25 Q. You met David Daleiden at Live Action during your</p>	<p style="text-align: center;">Page 33</p> <p>1 tenure there from 2009 to 2012, correct? 2 MR. BROOKS: Objection, form, compound 3 question, assumes facts not in evidence, lacks foundation; 4 and I also object under and instruct the witness not to 5 answer pursuant to the Fifth Amendment of the United States 6 Constitution as well as state law including Article 1, 7 Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution. 9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer. 15 BY MR. ROBINSON: 16 Q. Did you collaborate with David Daleiden on any 17 undercover sting operations during your tenure at Live 18 Action? 19 MR. BROOKS: Objection, form, assumes facts not 20 in evidence, compound question, lacks foundation; and also, I 21 object under and instruct the witness not to answer pursuant 22 to the Fifth Amendment of the United States Constitution as 23 well as state law including Article 1, Section 15 of the 24 California Constitution and Article 1, Section 23 of the 25 North Carolina Constitution.</p>

<p style="text-align: center;">Page 34</p> <p>1 A. I'm asserting my rights under the Fifth Amendment to 2 the United States Constitution as well as state law including 3 Article 1, Section 15 of the California Constitution and 4 Article 1, Section 23 of the North Carolina Constitution and 5 therefore I respectfully decline to answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. How did you first get involved with CMP?</p> <p>8 MR. BROOKS: Objection, form, assumes facts not 9 in evidence, lacks foundation. Also, I object under and 10 instruct the witness not to answer pursuant to the Fifth 11 Amendment of the United States Constitution as well as state 12 law including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and instruct the witness not to answer.</p> <p>15 MR. MIHET: Assumes facts not in evidence.</p> <p>16 MR. BROOKS: I'll join that objection.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. You were involved in CMP from its inception, 25 correct?</p>	<p style="text-align: center;">Page 35</p> <p>1 MR. BROOKS: Objection, form, assumes facts not 2 in evidence, lacks foundation; and I also object under and 3 instruct the witness not to answer pursuant to the Fifth 4 Amendment to the United States Constitution as well as state 5 law including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. Through CMP you and David Daleiden wanted to extend 16 what you were doing at Live Action to create further 17 undercover sting videos of Planned Parenthood events and 18 clinics, correct?</p> <p>19 MR. BROOKS: Objection, form, compound 20 question, lacks foundation, assumes facts not in evidence. I 21 also object under and instruct the witness not to answer 22 pursuant to the Fifth Amendment of the United States 23 Constitution as well as state law including Article 1, 24 Section 15 of the California Constitution and Article 1, 25 Section 23 of the North Carolina Constitution.</p>
<p style="text-align: center;">Page 36</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. One of CMP's goals from its inception was to create 9 public outrage towards Planned Parenthood by releasing viral 10 undercover sting videos related to fetal tissue practices, 11 correct?</p> <p>12 MR. BROOKS: Objection, form, argumentative, 13 assumes facts not in evidence and lacks foundation. I also 14 object under and instruct the witness not to answer pursuant 15 to the Fifth Amendment of the United States Constitution as 16 well as state law including Article 1, Section 15 of the 17 California Constitution and Article 1, Section 23 of the 18 North Carolina Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p style="text-align: center;">Page 37</p> <p>1 Q. Another of CMP's goals is to advocate for defunding 2 Planned Parenthood, correct?</p> <p>3 MR. BROOKS: Objection, form, compound 4 question, assumes facts not in evidence and lacks foundation. 5 Also, I object under and instruct the witness not to answer 6 pursuant to the Fifth Amendment of the United States 7 Constitution as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Another of CMP's goals from the inception is to 18 influence legislation on the topic of abortion, correct?</p> <p>19 MR. BROOKS: Objection, form, assumes facts not 20 in evidence, also mischaracterizes prior testimony, lacks 21 foundation and argumentative; and I also object under and 22 instruct the witness not to answer pursuant to the Fifth 23 Amendment of the United States Constitution as well as state 24 law including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>

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<p>1 Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Let's mark the next in order. 10 (Plaintiff's Exhibit Number 202 11 marked for identification)</p> <p>12 MR. ROBINSON: Why don't we go off the record.</p> <p>13 THE VIDEOGRAPHER: Going off record. The time 14 is 10:18 a.m.</p> <p>15 (RECESS TAKEN)</p> <p>16 THE VIDEOGRAPHER: We are going back on record. 17 The time is 10:36 a.m.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. I'm handing you what we premarked as Exhibit 202. 20 Actually, if you could show that to your Counsel for a 21 second.</p> <p>22 MR. ROBINSON: Counsel, I apologize, I don't 23 have another copy of the cover Email, but it's literally just 24 the cover Email, and then I gave you the substantive 25 attachment. I just wanted to make sure you had an</p>	<p>1 opportunity to look at it.</p> <p>2 MR. MIHET: Is that the only copy?</p> <p>3 MR. ROBINSON: It is.</p> <p>4 MR. MIHET: Can I take a quick peek at it?</p> <p>5 MR. ROBINSON: Absolutely.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Take a minute to review the document and let me know 8 when you're ready for a question or two.</p> <p>9 MR. ROBINSON: For the record, we have marked 10 as Exhibit 202 an Email and attachment with Bates Number 11 CM03583 through 86.</p> <p>12 (PAUSE)</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. Ready?</p> <p>15 A. Yes.</p> <p>16 Q. You have in front of you an Email that David 17 Daleiden wrote to you on January 27, 2013 with its 18 attachment, correct?</p> <p>19 MR. BROOKS: Objection, form, assumes facts not 20 in evidence, compound; and also I object under and instruct 21 the witness not to answer under the Fifth Amendment of the 22 United States Constitution as well as state law including 23 Article 1, Section 15 of the California Constitution and 24 Article 1, Section 23 of the North Carolina Constitution.</p> <p>25 MR. MIHET: Also lacks foundation.</p>
<p style="text-align: center;">Page 40</p> <p>1 MR. BROOKS: I'll join that objection.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. David Daleiden's January 27, 2013 Email to you 10 attached a nondisclosure agreement, correct?</p> <p>11 MR. BROOKS: Objection, form, assumes facts not 12 in evidence, lacks foundation and compound. Also, I object 13 under and instruct the witness not to answer pursuant to the 14 Fifth Amendment of the United States Constitution as well as 15 state law including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Daleiden supplied you with a form nondisclosure</p>	<p style="text-align: center;">Page 41</p> <p>1 agreement in January 2013 for you to sign in connection with 2 your work for CMP, correct?</p> <p>3 MR. BROOKS: Objection, form, compound 4 question, assumes facts not in evidence and lacks foundation. 5 Also, I object under and instruct the witness not to answer 6 pursuant to the Fifth Amendment of the United States 7 Constitution as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Did Daleiden explain to you why he wanted you to 18 sign a nondisclosure agreement in connection with your work 19 for CMP?</p> <p>20 MR. BROOKS: Objection, foundation, assumes 21 facts not in evidence, compound question; and also I object 22 under and instruct the witness not to answer pursuant to the 23 Fifth Amendment of the United States Constitution as well as 24 state law including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>

<p style="text-align: center;">Page 42</p> <p>1 Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Was the intent behind the nondisclosure agreement 10 that Daleiden asked you to sign in connection with your work 11 for CMP in order to keep secret the true nature of CMP's 12 undercover operations?</p> <p>13 MR. BROOKS: Objection, form, lacks 14 foundation, assumes facts not in evidence; and also I object 15 under and instruct the witness not to answer pursuant to the 16 Fifth Amendment of the United States Constitution as well as 17 state law including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution.</p> <p>20 MR. MIHET: Also compound.</p> <p>21 MR. BROOKS: I'll join that objection.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p style="text-align: center;">Page 43</p> <p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. Did you understand the nondisclosure agreement that 5 Daleiden asked you to sign in connection with your work for 6 CMP protected your identity for unauthorized disclosure to 7 others?</p> <p>8 MR. BROOKS: Objection, form, assumes facts not 9 in evidence, lacks foundation, compound; and I also object 10 under and instruct the witness not to answer pursuant to the 11 Fifth Amendment of the United States Constitution as well as 12 state law including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. Can I turn your attention to page 2 of the 23 nondisclosure agreement that we marked, Exhibit 202, 24 paragraph 6. Let me know when you're there.</p> <p>25 MR. BROOKS: You mind giving us the Bates</p>
<p style="text-align: center;">Page 44</p> <p>1 number on that, Counsel?</p> <p>2 MR. ROBINSON: CM03585, paragraph 6, Injunctive 3 Relief.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. Let me know when you're there.</p> <p>6 A. Yes.</p> <p>7 Q. The nondisclosure agreement that Daleiden asked you 8 to sign in connection with your work for CMP provided for 9 injunctive relief as a remedy in the event of breach, 10 correct?</p> <p>11 MR. BROOKS: Objection, assumes facts not in 12 evidence, lacks foundation, compound; and also, I object 13 under and instruct the witness not to answer pursuant to the 14 Fifth Amendment of the United States Constitution as well as 15 state law including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Part of your past professional experience involved</p>	<p style="text-align: center;">Page 45</p> <p>1 initiating nonprofit and incorporation filings as well as 2 nonprofit set up, is that correct?</p> <p>3 MR. BROOKS: Objection, lacks foundation, 4 assumes facts not in evidence, compound; and also I object 5 under and instruct the witness not to answer pursuant to the 6 Fifth Amendment of the United States Constitution as well as 7 state law including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and instruct the witness not to answer.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Do you have prior professional experience filing the 18 paperwork necessary to incorporate nonprofit organizations?</p> <p>19 MR. BROOKS: Objection, form, and I object 20 under and instruct the witness not to answer pursuant to the 21 Fifth Amendment of the United States Constitution as well as 22 state law including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution.</p> <p>25 MR. MIHET: Foundation, and assumes facts not</p>

<p style="text-align: center;">Page 46</p> <p>1 in evidence.</p> <p>2 MR. BROOKS: I'll join those objections.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. CMP set itself up as a charitable public benefit 11 corporation under California law, correct?</p> <p>12 MR. BROOKS: Objection, assumes facts not in 13 evidence, lacks foundation, also calls for a legal 14 conclusion; and also, I object under and instruct the witness 15 not to answer pursuant to the Fifth Amendment of the United 16 States Constitution as well as state law including Article 1, 17 Section 15 of the California Constitution and Article 1, 18 Section 23 of the North Carolina Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p style="text-align: center;">Page 47</p> <p>1 Q. Did you play any role in setting up CMP as a 2 nonprofit organization?</p> <p>3 MR. BROOKS: Objection, form, assumes facts not 4 in evidence, and lacks foundation. Also, I object under and 5 instruct the witness not to answer pursuant to the Fifth 6 Amendment of the United States Constitution as well as state 7 law including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. You assisted in preparing the paperwork necessary 18 for CMP to be organized as a nonprofit organization under 19 California law, correct?</p> <p>20 MR. BROOKS: Objection, form, assumes facts not 21 in evidence and lacks foundation. Also, I object under and 22 instruct the witness not to answer pursuant to the Fifth 23 Amendment of the United States Constitution as well as state 24 law including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>
<p style="text-align: center;">Page 48</p> <p>1 Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. On the basis of CMP's status as a nonprofit 10 organization, CMP subsequently obtained federal tax exempt 11 status from the IRS as a 501C3 nonprofit organization, 12 correct?</p> <p>13 MR. BROOKS: Objection, form, compound, assumes 14 facts not in evidence and lacks foundation. Also, I object 15 under and instruct the witness not to answer pursuant to the 16 Fifth Amendment of the United States Constitution as well as 17 state law including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>	<p style="text-align: center;">Page 49</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. You played a role in ensuring that CMP obtained 3 501C3 tax exempt status from the IRS, correct?</p> <p>4 MR. BROOKS: Objection, form, assumes fact not 5 in evidence and lacks foundation. Also, I object under and 6 instruct the witness not to answer pursuant to the Fifth 7 Amendment of the United States Constitution as well as state 8 law including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. Daleiden also played a role in setting up CMP as a 19 nonprofit organization, correct?</p> <p>20 MR. BROOKS: Objection, form, assumes facts not 21 in evidence and lacks foundation. Also, I object under and 22 instruct the witness not to answer pursuant to the Fifth 23 Amendment of the United States Constitution as well as state 24 law including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>

<p style="text-align: center;">Page 50</p> <p>1 Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Daleiden also played a role in ensuring that CMP 10 obtain 501C3 tax exempt status from the IRS, correct?</p> <p>11 MR. BROOKS: Objection, form, assumes facts not 12 in evidence, and lacks foundation, asked and answered; and 13 also, I object under and instruct the witness not to answer 14 pursuant to the Fifth Amendment of the United States 15 Constitution as well as state law including Article 1, 16 Section 15 of the California Constitution and Article 1, 17 Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Why did you and Daleiden choose to seek 501C3 tax</p>	<p style="text-align: center;">Page 51</p> <p>1 exempt status for CMP?</p> <p>2 MR. BROOKS: Objection, form, lacks foundation, 3 and assumes facts not in evidence, also calls for 4 speculation; and also, I object under and instruct the 5 witness not to answer pursuant to the Fifth Amendment of the 6 United States Constitution as well as state law including 7 Article 1, Section 15 of the California Constitution and 8 Article 1, Section 23 of the North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. You and Daleiden chose to seek tax exempt status for 17 CMP so CMP's donors could deduct their donations from their 18 taxes, correct?</p> <p>19 MR. BROOKS: Objection, form, lacks foundation, 20 assumes facts not in evidence, argumentative, speculation, 21 calls for speculation; also I object under and instruct the 22 witness not to answer pursuant to the Fifth Amendment of the 23 United States Constitution as well as state law including 24 Article 1, Section 15 of the California Constitution and 25 Article 1, Section 23 of the North Carolina Constitution.</p>
<p style="text-align: center;">Page 52</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. The purpose of seeking tax exempt status for CMP was 9 to generate more money by allowing funders to deduct their 10 monetary contributions to CMP from their taxes, correct?</p> <p>11 MR. BROOKS: Objection, form, assumes facts not 12 in evidence, and lacks foundation, also calls for 13 speculation; and I am objecting under and instruct the 14 witness not to answer pursuant to the Fifth Amendment of the 15 United States Constitution as well as state law including 16 Article 1, Section 15 of the California Constitution and 17 Article 1, Section 23 of the North Carolina Constitution.</p> <p>18 MR. MIHET: Compound.</p> <p>19 MR. BROOKS: Join that objection.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>	<p style="text-align: center;">Page 53</p> <p>1 (Plaintiff's Exhibit Number 203 2 marked for identification)</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. You're being handed a copy of Exhibit 203. Take 5 your time to have a look at the document and let me know when 6 you're ready to answer a question.</p> <p>7 (PAUSE)</p> <p>8 MR. ROBINSON: For the record, we've entered in 9 as Exhibit 203 an Email with Bates CM05463 through 65.</p> <p>10 (PAUSE)</p> <p>11 A. Yes.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. You have in front of you an Email that David 14 Daleiden sent to you on January 28, 2013 forwarding an Email 15 he had written for Troy Newman, correct?</p> <p>16 MR. BROOKS: Objection, assumes facts not in 17 evidence, and lacks foundation. Also, I object under and 18 instruct the witness not to answer pursuant to the Fifth 19 Amendment of the United States Constitution as well as state 20 law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution.</p> <p>23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>

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<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer. 4 BY MR. ROBINSON: 5 Q. Who is Troy Newman? 6 MR. BROOKS: Objection, form, lacks foundation, 7 assumes facts not in evidence. Also, I object under and 8 instruct the witness not to answer pursuant to the Fifth 9 Amendment to the United States Constitution as well as state 10 law including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution. 13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer. 19 BY MR. ROBINSON: 20 Q. Troy Newman was involved in CMP from its inception, 21 correct? 22 MR. BROOKS: Objection, form, assumes facts not 23 in evidence, and lacks foundation. Also, I object under and 24 instruct the witness not to answer pursuant to the Fifth 25 Amendment to the United States Constitution as well as</p>	<p>1 Article 1, Section 15 of the California Constitution and 2 Article 1, Section 23 of the North Carolina Constitution. 3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer. 9 BY MR. ROBINSON: 10 Q. Troy Newman is the President of Operation Rescue, 11 correct? 12 MR. BROOKS: Objection, form, assumes facts not 13 in evidence, and lacks foundation. Also, I object under and 14 instruct the witness not to answer pursuant to the Fifth 15 Amendment of the United States Constitution as well as state 16 law including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution. 19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer. 25 BY MR. ROBINSON:</p>
<p style="text-align: center;">Page 56</p> <p>1 Q. Were you acquainted with Troy Newman at the time 2 David Daleiden reached out to him on January 28, 2013? 3 MR. BROOKS: Objection, form, compound 4 question, assumes facts not in evidence, and lacks 5 foundation. Also, I object under and instruct the witness 6 not to answer pursuant to the Fifth Amendment to the United 7 States Constitution as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution. 10 A. I'm asserting my rights under the Fifth Amendment to 11 the United States Constitution as well as state law including 12 Article 1, Section 15 of the California Constitution and 13 Article 1, Section 23 of the North Carolina Constitution and 14 therefore I respectfully decline to answer. 15 BY MR. ROBINSON: 16 Q. In Troy Newman's book, THEIR BLOOD CRIES OUT 17 published in 2000, Troy Newman advocated for the execution by 18 the government of abortion doctors in order to expunge blood 19 guilt from land and people. Are you aware of that? 20 MR. ZIMMERMAN: Objection, assumes facts not in 21 evidence. 22 MR. BROOKS: Objection, form, assumes facts not 23 in evidence, and lacks foundation. Also, I object under and 24 instruct the witness not to answer pursuant to the Fifth 25 Amendment to the United States Constitution as well as state</p>	<p style="text-align: center;">Page 57</p> <p>1 law including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and compound question as well. 4 MR. MIHET: Objection, mischaracterizes the 5 cite of work. 6 MR. BROOKS: I'll join in that objection. 7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer. 13 BY MR. ROBINSON: 14 Q. Were you aware that Troy Newman held these views in 15 January 2013 when Daleiden reached out to him? 16 MR. BROOKS: Objection, form, compound 17 question, assumes facts not in evidence and lacks foundation. 18 Also vague, and I also object under and instruct the witness 19 not to answer pursuant to the Fifth Amendment to the United 20 States Constitution as well as state law including Article 1, 21 Section 15 of the California Constitution and Article 1, 22 Section 23 of the North Carolina Constitution. 23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>

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<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. Were you aware that Troy Newman had previously 6 advocated for the execution of abortion doctors by the 7 government when Daleiden reached out to him in January 2013 8 in connection with CMP's work?</p> <p>9 MR. BROOKS: Objection, compound question, 10 vague. Also, I object under and instruct the witness not to 11 answer pursuant to the Fifth Amendment to the United States 12 Constitution as well as state law including Article 1, 13 Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. Do you know who Cheryl Sullenger is?</p> <p>23 MR. BROOKS: Objection, form. Also I object 24 under and instruct the witness not to answer pursuant to the 25 Fifth Amendment to the United States Constitution as well as</p>	<p>1 state law including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. Cheryl Sullenger is Senior Vice President of 12 Operation Rescue, correct?</p> <p>13 MR. BROOKS: Objection, form, lacks foundation, 14 assumes facts not in evidence. Also, I object under and 15 instruct the witness not to answer pursuant to the Fifth 16 Amendment to the United States Constitution as well as state 17 law including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 60</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. Cheryl Sullenger is also a convicted felon in 3 connection with the attempted bombing of abortion clinics, 4 correct?</p> <p>5 MR. BROOKS: Objection, form, argumentative, 6 lacks foundation, assumes facts not in evidence. Also, I 7 object under and instruct the witness not to answer pursuant 8 to the Fifth Amendment to the United States Constitution as 9 well as state law including Article 1, Section 15 of the 10 California Constitution and Article 1, Section 23 of the 11 North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. Were you aware -- let me rephrase. Were you aware 20 of Cheryl Sullenger's involvement in Operation Rescue when 21 Daleiden reached out to Troy Newman in January 2013 in 22 connection with CMP's work?</p> <p>23 MR. BROOKS: Objection, form, compound 24 question, assumes facts not in evidence, also lacks 25 foundation. also, I object under and instruct the witness</p>	<p style="text-align: center;">Page 61</p> <p>1 not to answer pursuant to the Fifth Amendment to the United 2 States Constitution as well as state law including Article 1, 3 Section 15 of the California Constitution and Article 1, 4 Section 23 of the North Carolina Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Did you perform work for Operation Rescue prior to 13 your involvement in CMP?</p> <p>14 MR. BROOKS: Objection, form, compound 15 question, assumes facts not in evidence, and lacks 16 foundation. Also vague. I ALSO object under and instruct 17 the witness not to answer pursuant to the Fifth Amendment to 18 the United States Constitution as well as state law including 19 Article 1, Section 15 of the California Constitution and 20 Article 1, Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>

<p style="text-align: center;">Page 62</p> <p>1 answer.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. You had previously performed work for Operation 4 Rescue before you became involved with CMP, correct?</p> <p>5 MR. BROOKS: Objection, form, compound 6 question, lacks foundation, assumes fact not in evidence. 7 Also I object under and instruct the witness not to answer 8 pursuant to the Fifth Amendment to the United States 9 Constitution as well as state law including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. Operation Rescue moved its operations to Wichita, 20 Kansas in order to harass NAF member and abortion care 21 provider Dr. George Tiller, correct?</p> <p>22 MR. BROOKS: Objection, form, compound 23 question, assumes facts not in evidence, lacks foundation 24 argumentative. Also, I object under and instruct the witness 25 not to answer pursuant to the Fifth Amendment to the United</p>	<p style="text-align: center;">Page 63</p> <p>1 States Constitution as well as state law including Article 1, 2 Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. Are you aware that Dr. Tiller was assassinated by 12 Scott Rhoder?</p> <p>13 MR. BROOKS: Objection, form, lacks foundation, 14 assumes facts not in evidence, also argumentative. Also, I 15 object under and instruct the witness not to answer pursuant 16 to the Fifth Amendment to the United States Constitution as 17 well as state law including Article 1, Section 15 of the 18 California Constitution and Article 1, Section 23 of the 19 North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 64</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. Are you aware that Cheryl Sullenger of Operation 3 Rescue provided information about Dr. Tiller's whereabouts to 4 Scott Rhoder shortly before Dr. Tiller's assassination?</p> <p>5 MR. BROOKS: Objection, form, lacks foundation, 6 assumes facts not in evidence, compound and argumentative. 7 Also I object under and instruct the witness not to answer 8 pursuant to the Fifth Amendment to the United States 9 Constitution as well as state law including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. Cheryl Sullenger was involved in CMP's work from the 20 beginning, correct?</p> <p>21 MR. BROOKS: Objection, form, vague, assumes 22 facts not in evidence and lacks foundation. Also, I object 23 under and instruct the witness not to answer pursuant to the 24 Fifth Amendment to the United States Constitution as well as 25 state law including Article 1, Section 15 of the California</p>	<p style="text-align: center;">Page 65</p> <p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. Were you aware of Cheryl Sullenger's prior history 11 of advocating for violence against abortion doctors when 12 Daleiden reached out to Troy Newman in January of 2013 in 13 connection with CMP's work?</p> <p>14 MR. BROOKS: Objection, form, compound 15 question, assumes facts not in evidence and lacks foundation. 16 Also, I object under and instruct the witness not to answer 17 pursuant to the Fifth Amendment to the United States 18 Constitution as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>

<p style="text-align: center;">Page 66</p> <p>1 answer.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. Do you know why Daleiden was reaching out to Troy</p> <p>4 Newman in January 2013?</p> <p>5 MR. BROOKS: Objection, form, assumes facts not</p> <p>6 in evidence, compound and lacks foundation. Also, I object</p> <p>7 under and instruct the witness not to answer pursuant to the</p> <p>8 Fifth Amendment to the United States Constitution as well as</p> <p>9 state law including Article 1, Section 15 of the California</p> <p>10 Constitution and Article 1, Section 23 of the North Carolina</p> <p>11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment</p> <p>13 to the United States Constitution as well as state law</p> <p>14 including Article 1, Section 15 of the California</p> <p>15 Constitution and Article 1, Section 23 of the North Carolina</p> <p>16 Constitution and therefore I respectfully decline to</p> <p>17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. Did you discuss with Daleiden whether Troy Newman</p> <p>20 should be involved with CMP?</p> <p>21 MR. BROOKS: Objection, form, assumes facts not</p> <p>22 in evidence and lacks foundation. Also, I object under and</p> <p>23 instruct the witness not to answer pursuant to the Fifth</p> <p>24 Amendment to the United States Constitution as well as state</p> <p>25 law including Article 1, Section 15 of the California</p>	<p style="text-align: center;">Page 67</p> <p>1 Constitution and Article 1, Section 23 of the North Carolina</p> <p>2 Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment</p> <p>4 to the United States Constitution as well as state law</p> <p>5 including Article 1, Section 15 of the California</p> <p>6 Constitution and Article 1, Section 23 of the North Carolina</p> <p>7 Constitution and therefore I respectfully decline to</p> <p>8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. Did you express any misgivings to Daleiden about</p> <p>11 bringing Troy Newman onboard to CMP?</p> <p>12 MR. BROOKS: Objection, form, assumes facts</p> <p>13 not in evidence, lacks foundation, also vague. Also object</p> <p>14 under and instruct the witness not to answer pursuant to the</p> <p>15 Fifth Amendment to the United States Constitution as well as</p> <p>16 state law including Article 1, Section 15 of the California</p> <p>17 Constitution and Article 1, Section 23 of the North Carolina</p> <p>18 Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment</p> <p>20 to the United States Constitution as well as state law</p> <p>21 including Article 1, Section 15 of the California</p> <p>22 Constitution and Article 1, Section 23 of the North Carolina</p> <p>23 Constitution and therefore I respectfully decline to</p> <p>24 answer.</p> <p>25 BY MR. ROBINSON:</p>
<p style="text-align: center;">Page 68</p> <p>1 Q. Are you aware of whether anyone had misgivings to</p> <p>2 Daleiden about bringing Troy Newman onboard CMP?</p> <p>3 MR. BROOKS: Objection, form, assumes facts not</p> <p>4 in evidence, and lacks foundation, also vague. Also object</p> <p>5 under and instruct the witness not to answer pursuant to the</p> <p>6 Fifth Amendment to the United States Constitution as well as</p> <p>7 state law including Article 1, Section 15 of the California</p> <p>8 Constitution and Article 1, Section 23 of the North Carolina</p> <p>9 Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment</p> <p>11 to the United States Constitution as well as state law</p> <p>12 including Article 1, Section 15 of the California</p> <p>13 Constitution and Article 1, Section 23 of the North Carolina</p> <p>14 Constitution and therefore I respectfully decline to</p> <p>15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Was it David Daleiden's intent to involve actors</p> <p>18 like Troy Newman who had a history for advocating violence</p> <p>19 against abortion doctors in CMP's work?</p> <p>20 MR. BROOKS: Objection, form, compound</p> <p>21 question, assumes facts not in evidence and lacks foundation.</p> <p>22 Also calls for speculation. Also, I object under and</p> <p>23 instruct the witness not to answer pursuant to the Fifth</p> <p>24 Amendment to the United States Constitution as well as state</p> <p>25 law including Article 1, Section 15 of the California</p>	<p style="text-align: center;">Page 69</p> <p>1 Constitution and Article 1, Section 23 of the North Carolina</p> <p>2 Constitution and instruct the witness not to answer.</p> <p>3 MR. MIHET: Vague and ambiguous.</p> <p>4 MR. BROOKS: I'll join that objection.</p> <p>5 A. I am asserting my rights under the Fifth Amendment</p> <p>6 to the United States Constitution as well as state law</p> <p>7 including Article 1, Section 15 of the California</p> <p>8 Constitution and Article 1, Section 23 of the North Carolina</p> <p>9 Constitution and therefore I respectfully decline to</p> <p>10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. What role did Troy Newman play in CMP?</p> <p>13 MR. BROOKS: Objection, form, vague, ambiguous,</p> <p>14 assumes facts not in evidence, and lacks foundation. Also I</p> <p>15 object under and instruct the witness not to answer pursuant</p> <p>16 to the Fifth Amendment to the United States Constitution as</p> <p>17 well as state law including Article 1, Section 15 of the</p> <p>18 California Constitution and Article 1, Section 23 of the</p> <p>19 North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment</p> <p>21 to the United States Constitution as well as state law</p> <p>22 including Article 1, Section 15 of the California</p> <p>23 Constitution and Article 1, Section 23 of the North Carolina</p> <p>24 Constitution and therefore I respectfully decline to</p> <p>25 answer.</p>

<p style="text-align: center;">Page 70</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. What role did Cheryl Sullenger play in CMP?</p> <p>3 MR. BROOKS: Objection, form, assumes facts not 4 in evidence and lacks foundation. Also vague and ambiguous. 5 Also, I object under and instruct the witness not to answer 6 pursuant to the Fifth Amendment to the United States 7 Constitution as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Let's have a look at Daleiden's Email to you on 18 January 28, 2013. I'll direct your attention to the middle 19 portion of that document.</p> <p>20 A. Which exhibit number?</p> <p>21 Q. It's 202.</p> <p>22 A. I'm sorry, can you --</p> <p>23 Q. Sorry, 203. Exhibit 203, ending bates CM5463.</p> <p>24 A. 203. I'm sorry, once again?</p> <p>25 Q. That's it. You're there.</p>	<p style="text-align: center;">Page 71</p> <p>1 A. Okay. I don't know what bates numbers are.</p> <p>2 Q. Bates numbers are the number on the bottom. It's 3 legalese for a stamp we apply to each page after production 4 so we can distinguish one page from the other.</p> <p>5 A. Okay.</p> <p>6 Q. I think someone named Bates invented it but I'm not 7 sure. David Daleiden sent Troy Newman a road map of CMP's 8 work on January 28, 2013, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation, 10 assumes facts not in evidence. Also, I object under and 11 instruct the witness not to answer pursuant to the Fifth 12 Amendment to the United States Constitution as well as state 13 law including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Under the first section of the road map there's a 24 heading, Bad Guys. Do you see that?</p> <p>25 A. Exhibit 203?</p>
<p style="text-align: center;">Page 72</p> <p>1 Q. Correct.</p> <p>2 MR. BROOKS: Just object to the extent that 3 assumes facts not in evidence.</p> <p>4 A. I see the area you're indicating, yes.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. And underneath that is written number one, abortion 7 industry, Planned Parenthood preeminent and heavy NAF 8 involvement expected. Do you see that?</p> <p>9 A. Yes, I see the area you're indicating.</p> <p>10 Q. From its inception CMP viewed Planned Parenthood and 11 NAF as, quote, the bad guys, correct?</p> <p>12 MR. BROOKS: Objection, form, assumes facts not 13 in evidence, and lacks foundation. Also, I object under and 14 instruct the witness not to answer pursuant to the Fifth 15 Amendment to the United States Constitution as well as state 16 law including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution.</p> <p>19 A. I'm asserting my rights under the Fifth Amendment to 20 the United States Constitution as well as state law including 21 Article 1, Section 15 of the California Constitution and 22 Article 1, Section 23 of the North Carolina Constitution and therefore I respectfully decline to answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 (Plaintiff's Exhibit Number 204</p>	<p style="text-align: center;">Page 73</p> <p>1 marked for identification)</p> <p>2 Q. I'm handing you what we have marked as Plaintiff's 3 Exhibit 204. Please have a look at the document and let me 4 know when you're ready to answer a question about it.</p> <p>5 MR. ROBINSON: For the record, Exhibit 204 is 6 Email sent from David Daleiden to the witness dated February 7 6, 2013 plus its attachment Bates CM05355 through 63.</p> <p>8 MR. MIHET: I'm going to object to the 9 characterization because it lacks foundation, and assumes 10 facts not in evidence.</p> <p>11 MR. BROOKS: I'll join that objection.</p> <p>12 MR. ROBINSON: I'm sorry, why do you think it 13 lacks foundation?</p> <p>14 MR. MIHET: Because you haven't established 15 whether or not that's in fact what the document is.</p> <p>16 MR. ROBINSON: You dispute the fact it's an 17 Email sent from Daleiden to the witness? Is that because of 18 the redactions on the document?</p> <p>19 MR. MIHET: No, that's because you haven't 20 introduced any testimony to that effect.</p> <p>21 MR. ROBINSON: Noted.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Do you recognize Exhibit 204?</p> <p>24 MR. BROOKS: Objection, form, lacks foundation, assumes facts not in evidence. Also, I object under and</p>

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<p>1 instruct the witness not to answer pursuant to the Fifth 2 Amendment to the United States Constitution as well as state 3 law including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. David Daleiden wrote you an Email on February 6, 14 2013 attaching a document entitled, Project Draft Version 15 1.0, correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation, 17 assumes facts not in evidence. Also, I object under and 18 instruct the witness not to answer pursuant to the Fifth 19 Amendment to the United States Constitution as well as state 20 law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution.</p> <p>23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>	<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. Why is David Daleiden sending you a project draft on 6 February 6, 2013?</p> <p>7 MR. BROOKS: Objection, form, assumes facts not 8 in evidence, and lacks foundation, also compound; and I 9 object under and instruct the witness not to answer pursuant 10 to the Fifth Amendment to the United States Constitution as 11 well as state law including Article 1, Section 15 of the 12 California Constitution and Article 1, Section 23 of the 13 North Carolina Constitution and also --</p> <p>14 A. I'm sorry, I see someone motioning at the door.</p> <p>15 MR. BROOKS: Also I object because it calls 16 for speculation.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. Just wait a second. I apologize for the 19 interruption. You can answer.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 76</p> <p>1 Q. Let's look at the attachment that David Daleiden 2 sent to you. Do you see at the top of page 1 of 8, bates 3 CM5356, it states, Draft Project Proposal, Confidential 4 copyright 2013, David Daleiden.</p> <p>5 MR. BROOKS: Objection to characterization of 6 the document by Counsel, and also lack of foundation, and 7 assumes facts not in evidence and I'll actually just instruct 8 the witness based on the form of that question to not answer 9 based on the Fifth Amendment to the United States 10 Constitution as well as state law including Article 1, 11 Section 15 of the California Constitution and Article 1, 12 Section 23 of the North Carolina Constitution.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. David Daleiden wrote the draft project proposal in 21 2013, correct?</p> <p>22 MR. BROOKS: Objection, form, assumes facts not 23 in evidence, and lacks foundation, also speculation; and I 24 object under and instruct the witness not to answer pursuant 25 to the Fifth Amendment to the United States Constitution as</p>	<p style="text-align: center;">Page 77</p> <p>1 well as state law including Article 1, Section 15 of the 2 California Constitution and Article 1, Section 23 of the 3 North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. Did anyone other than Daleiden contribute language 12 to the draft project proposal as it was circulated to you on 13 February 6, 2013, to your knowledge?</p> <p>14 MR. BROOKS: Objection, form, assumes facts not 15 in evidence and lacks foundation; also compound, calls for 16 speculation. I also object under and instruct the witness 17 not to answer pursuant to the Fifth Amendment to the United 18 States Constitution as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>

<p style="text-align: center;">Page 78</p> <p>1 answer.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. The document uses words like ghastly tax payer 4 funded, billion dollar enterprise abortion clinics led by 5 Planned Parenthood, liberal university professors, murderest 6 abortionists and corrupt scientists who exploit their murder. 7 Those are David Daleiden's words, correct?</p> <p>8 MR. BROOKS: Objection, form, lacks foundation, 9 assumes facts not in evidence, document speaks for itself; 10 and also, I object under and instruct the witness not to 11 answer pursuant to the United States Constitution as well as 12 state law including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and also I object, it calls for speculation.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. This draft project proposal described what CMP's 23 project was intended to accomplish in its inception, 24 correct?</p> <p>25 MR. BROOKS: Objection, form, assumes facts</p>	<p style="text-align: center;">Page 79</p> <p>1 not in evidence and lacks foundation. Also calls for 2 speculation, vague. I also object under and instruct the 3 witness not to answer pursuant to the Fifth Amendment of the 4 United States Constitution as well as state law including 5 Article 1, Section 15 of the California Constitution and 6 Article 1, Section 23 of the North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. On page 2 of this draft project proposal there's a 15 reference to conferences held by abortion industry. Can I 16 direct your attention to that portion of the document on page 17 2 of 8, Level 1.</p> <p>18 A. I'm sorry, could you reference the exhibit, please.</p> <p>19 Q. We're looking at Exhibit 204, page 2 of 8, Bates 20 Number CM5357 in the middle of the page.</p> <p>21 A. I'm at the middle of the page, yes.</p> <p>22 Q. Let me quote from the document. It states, the 23 abortion industry holds several conferences throughout the 24 year. The most prominent being the NAF annual meeting, and 25 the annual meeting of the Association of Reproductive Health</p>
<p style="text-align: center;">Page 80</p> <p>1 Professionals, ARHP, which is a Planned Parenthood affiliate. 2 In the past these conferences have been venues for tissue 3 procurers to identify new supply clinics and may continue to 4 harbor this sort of activity. Do you see that?</p> <p>5 MR. BROOKS: I'm just gonna object. Actually, 6 you didn't read it exactly right.</p> <p>7 MR. ROBINSON: Let me try it again.</p> <p>8 MR. BROOKS: Sure.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. Daleiden's draft project proposal on page 2 states, 11 quote, the abortion industry holds several conferences 12 throughout the year. The most prominent being the NAF annual 13 meeting and the annual meeting of the Association of 14 Reproductive Health Professionals, ARHP, which is Planned 15 Parenthood affiliated. Do you see that?</p> <p>16 MR. BROOKS: Going to object to that as a 17 compound question -- form. It's a compound question and also 18 assumes facts not in evidence and lacks foundation. Also, 19 given the preface to the question, I am going to instruct the 20 witness not to answer pursuant to the Fifth Amendment to the 21 United States Constitution as well as state law including 22 Article 1, Section 15 of the California Constitution and 23 Article 1, Section 23 of the North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p style="text-align: center;">Page 81</p> <p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. It was the intent from the inception of CMP's 7 project as early as February 2013 to infiltrate NAF's annual 8 meeting, correct?</p> <p>9 MR. BROOKS: Objection, lacks foundation, form, 10 lacks foundation, assumes facts not in evidence, also calls 11 for speculation by the witness. Also, I object under and 12 instruct the witness not to answer pursuant to the Fifth 13 Amendment to the United States Constitution as well as state 14 law including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. It was the intent at the inception of CMP's project 25 as early as February 2013 to infiltrate the annual meeting of</p>

<p style="text-align: right;">Page 82</p> <p>1 the Association of Reproductive Health Professionals, 2 correct?</p> <p>3 MR. BROOKS: Objection, form, compound 4 question, lacks foundation, assumes facts not in evidence, 5 asked and answered. Also, I object under and instruct the 6 witness not to answer pursuant to the Fifth Amendment to the 7 United States Constitution as well as state law including 8 Article 1, Section 15 of the California Constitution and 9 Article 1, Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Why did CMP want to infiltrate NAF and ARHP?</p> <p>18 MR. BROOKS: Objection, facts not in evidence, 19 speculation, and I object under and instruct the witness not 20 to answer pursuant to the Fifth Amendment to the United 21 States Constitution as well as state law including Article 1, 22 Section 15 of the California Constitution and Article 1, 23 Section 23 of the North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p style="text-align: right;">Page 83</p> <p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. CMP wanted to -- sorry, strike that. At the time of 7 the February 2013 draft project proposal, CMP intended to 8 infiltrate the NAF and ARHP annual meetings in order to 9 further CMP's purpose to take Gotcha style undercover video 10 that could be used to inflict harm on Planned Parenthood, 11 correct?</p> <p>12 MR. BROOKS: Objection to form, assumes facts 13 not in evidence and lacks foundation, calls for speculation, 14 argumentative. Also, I object under and instruct the witness 15 not to answer pursuant to the Fifth Amendment to the United 16 States Constitution as well as state law including Article 1, 17 Section 15 of the California Constitution and Article 1, 18 Section 23 of the North Carolina Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>
<p style="text-align: right;">Page 84</p> <p>1 Q. CMP knew at the time of the February 2013 draft 2 project proposal that the NAF annual meetings were not open 3 to the public, correct?</p> <p>4 MR. BROOKS: Objection, form, lacks foundation, 5 assumes facts not in evidence, also argumentative; and I 6 object under and instruct the witness not to answer pursuant 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution. Also object because it calls for speculation.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. CMP knew from the inception of its work it would 19 need to use fraud and false pretenses to gain access to NAF's 20 annual meetings, correct?</p> <p>21 MR. BROOKS: Objection, form, assumes facts not 22 in evidence, and lacks foundation. Also argumentative and 23 compound question; and I object and instruct the witness not 24 to answer pursuant to the Fifth Amendment to the United 25 States Constitution as well as state law including Article 1,</p>	<p style="text-align: right;">Page 85</p> <p>1 Section 15 of the California Constitution and Article 1, 2 Section 23 of the North Carolina Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. CMP knew at the time of the February 2013 draft 11 project proposal that the AHRP annual meetings were not open 12 to the public, correct?</p> <p>13 MR. BROOKS: Objection, form, lacks foundation 14 and calls -- assumes facts not in evidence, so I believe 15 asked and answered, and compound question. I also object 16 under and assert -- object under and instruct the witness not 17 to answer pursuant to the Fifth Amendment to the United 18 States Constitution as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution and also I 21 object on grounds it calls for speculation.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>

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<p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. CMP knew from the inception of its work it would 5 need to use fraud and false pretenses to gain access to the 6 AHRP annual meetings, correct?</p> <p>7 MR. BROOKS: Objection, form, assumes facts not 8 in evidence, and lacks foundation, argumentative and 9 compound. Also, I object under and instruct the witness not 10 to answer pursuant to the Fifth Amendment to the United 11 States Constitution as well as state law including Article 1, 12 Section 15 of the California Constitution and Article 1, 13 Section 23 of the North Carolina Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. Did you discuss with Daleiden how best to infiltrate 22 NAF and AHRP annual meetings?</p> <p>23 MR. BROOKS: Objection, form, assumes facts not 24 in evidence and lacks foundation. Also, I object under and 25 instruct the witness not to answer pursuant to the Fifth</p>	<p>1 Amendment to the United States Constitution as well as state 2 law including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Who else was involved in those discussions?</p> <p>13 MR. BROOKS: Form. Assumes facts not in 14 evidence and lacks foundation and argumentative. Also, I 15 object under and instruct the witness not to answer pursuant 16 to the Fifth Amendment to the United States Constitution as 17 well as state law including Article 1, Section 15 of the 18 California Constitution and Article 1, Section 23 of the 19 North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 88</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. How did CMP envision infiltrating the NAF and AHRP 3 annual meetings?</p> <p>4 MR. BROOKS: Objection, form, lacks foundation, 5 assumes facts not in evidence. Also compound, and I object 6 under and instruct the witness not to answer pursuant to the 7 Fifth Amendment to the United States Constitution as well as 8 state law including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. Did you know that CMP's infiltration of the NAF and 19 AHRP's annual meetings would involve illegal acts among a group of 20 conspirators?</p> <p>21 MR. BROOKS: Objection, form, assumes facts not 22 in evidence and lacks foundation, argumentative and compound. 23 I also object under and instruct the witness not to answer 24 pursuant to the Fifth Amendment to the United States 25 Constitution as well as state law including Article 1,</p>	<p style="text-align: center;">Page 89</p> <p>1 Section 15 of the California Constitution and Article 1, 2 Section 23 of the North Carolina Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. From the inception of CMP's work both Daleiden and 11 Newman knew that CMP's infiltration of the NAF and AHRP's 12 annual meetings would involve illegal acts among a group of 13 conspirators, correct?</p> <p>14 MR. BROOKS: Objection, form, lacks foundation, 15 assumes facts not in evidence, compound and argumentative. 16 Also, I object under and instruct the witness not to answer 17 pursuant to the Fifth Amendment to the United States 18 Constitution as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution. Also, I 21 object on the grounds it calls for speculation.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>

<p style="text-align: center;">Page 90</p> <p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. On page 6 of the February 2013 draft project 5 proposal there's a reference to documentary footage that 6 would come from real life moles and orchestrated stings, 7 correct?</p> <p>8 MR. BROOKS: Objection, form, also on the 9 characterization of the document. I instruct the witness not 10 to answer pursuant to the Fifth Amendment to the United 11 States Constitution as well as state law including Article 1, 12 Section 15 of the California Constitution and Article 1, 13 Section 23 of the North Carolina Constitution. Elaborating on 14 the form objection further, lacks foundation and assumes 15 facts not in evidence.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Through its infiltration of the NAF and AHRP annual 24 meetings CMP intended to gather short viral undercover Gotcha 25 videos that it would post to YouTube at the end of its</p>	<p style="text-align: center;">Page 91</p> <p>1 project, correct?</p> <p>2 MR. BROOKS: Objection, form, lacks foundation 3 and assumes facts not in evidence, calls for speculation and 4 compound. Also, I object under and instruct the witness not 5 to answer pursuant to the Fifth Amendment to the United 6 States Constitution as well as state law including Article 1, 7 Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. From its inception CMP intended to create propaganda 17 for release on YouTube intended to inflict damage on Planned 18 Parenthood, correct?</p> <p>19 MR. BROOKS: Objection to form, assumes facts 20 not in evidence and argumentative and compound. I also object 21 under and instruct the witness not to answer pursuant to the 22 Fifth Amendment to the United States Constitution as well as 23 state law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution.</p>
<p style="text-align: center;">Page 92</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. As stated in the February 23, 2013 draft project 9 proposal, one of CMP's goals was to expose "ghoulish medical 10 cannibalism", correct?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation 12 and assumes facts not in evidence. Again, given the 13 characterization of the document, I OBJECT under and instruct 14 the witness not to answer pursuant to the Fifth Amendment to 15 the United States Constitution as well as state law including 16 Article 1, Section 15 of the California Constitution and 17 Article 1, Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to answer. 23 If possible, would now be a good time?</p> <p>24 MR. ROBINSON: Yes, thank you. Let's go off 25 the record.</p>	<p style="text-align: center;">Page 93</p> <p>1 THE VIDEOGRAPHER: Going off record. The time 2 is 11:45 a.m. This is the end of DVD Number 1. 3 (RECESS TAKEN)</p> <p>4 THE VIDEOGRAPHER: We're going back on record. 5 The time is 12:51 p.m.. This is the beginning of DVD Number 6 2.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Before the break we were looking at Plaintiff's 9 Exhibit 204. I will continue questioning on page 6 of 8 of 10 the document, Bates Number 5361. Another one of CMP's goals 11 from the beginning was to create public outrage at Planned 12 Parenthood and liberal university professors, correct?</p> <p>13 MR. BROOKS: Objection to form, lacks 14 foundation, and assumes facts not in evidence, argumentative, 15 and calls for speculation. Also, I object under and instruct 16 the witness not to answer pursuant to the Fifth Amendment to 17 the United States Constitution as well as state law including 18 Article 1, Section 15 of the California Constitution and 19 Article 1, Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>

<p style="text-align: center;">Page 94</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. According to the February 2013 draft project 3 proposal, one of CMP's goals was "Create public outrage at 4 Planned Parenthood and liberal university professors." Is 5 that an accurate statement of one of CMP's goals?</p> <p>6 MR. BROOKS: Objection, form, lacks foundation. 7 It assumes facts not in evidence, compound question, and 8 again calls for speculation. I also object under and 9 instruct the witness not to answer pursuant to the Fifth 10 Amendment to the United States Constitution as well as state 11 law including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution.</p> <p>14 MR. MIHET: It also mischaracterizes the 15 document which speaks for itself.</p> <p>16 MR. BROOKS: I'll join in that objection.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. One of CMP's goals from the beginning was to deliver 25 a major public relations blow to Planned Parenthood,</p>	<p style="text-align: center;">Page 95</p> <p>1 correct?</p> <p>2 MR. BROOKS: Objection, form, lacks foundation, 3 and assumes facts not in evidence. Also calls for 4 speculation; and I further object under and instruct the 5 witness not to answer pursuant to the Fifth Amendment to the 6 U.S. Constitution as well as state law including Article 1, 7 Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. Under the February 2013 draft project proposal one 17 of CMP's stated goals was, quote, deliver a major public 18 relations blow to Planned Parenthood. Does that accurately 19 state one of CMP's goals?</p> <p>20 MR. BROOKS: Objection, form, lacks foundation, 21 and assumes facts not in evidence. Also calls for 22 speculation, and also the document speaks for itself. I also 23 object under and instruct the witness not to answer pursuant 24 to the Fifth Amendment of the United States Constitution as 25 well as state law including Article 1, Section 15 of the</p>
<p style="text-align: center;">Page 96</p> <p>1 California Constitution and Article 1, Section 23 of the 2 North Carolina Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. One of CMP's --</p> <p>11 MR. ZIMMERMAN: Excuse me real quick, is the 12 phone line back on?</p> <p>13 THE VIDEOGRAPHER: Going off record. The time 14 is 12:56 p.m..</p> <p>15 (RECESS TAKEN)</p> <p>16 THE VIDEOGRAPHER: We're going back on record. 17 The time is 12:57 p.m..</p> <p>18 (Last question read back 19 by the court reporter)</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. One of CMP's goals from the inception was to promote 22 state defunding efforts for Planned Parenthood, correct?</p> <p>23 MR. BROOKS: Objection, form, lacks foundation 24 and assumes facts not in evidence, vague and calls for 25 speculation by the witness. Also I object under and instruct</p>	<p style="text-align: center;">Page 97</p> <p>1 the witness not to answer pursuant to the Fifth Amendment to 2 the United States Constitution as well as Article 1, Section 3 15 of the California Constitution and Article 1, Section 23 4 of the North Carolina Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Under the February 2013 draft project proposal one 13 of CMP's stated goals was, quote, promote state defunding 14 efforts for Planned Parenthood. Does that accurately state 15 one of CMP's goals?</p> <p>16 MR. BROOKS: Objection, forms, lacks 17 foundation, assumes facts not in evidence, document speaks 18 for itself and calls for speculation. I also object pursuant 19 to and instruct the witness not to answer under the Fifth 20 Amendment of the United States Constitution as well as state 21 law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>

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<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. On page 7 of the February 2013 draft project 7 proposal there's a section under your name. Do you see 8 that?</p> <p>9 A. I'm sorry, exhibit?</p> <p>10 Q. This is Exhibit 204, page 7 of 8 in the attachment 11 Bates ending CM5362. The document states that -- sorry, 12 strike that. The document has a line for Anna Bettisworth. 13 That refers to you, correct?</p> <p>14 MR. BROOKS: Objection, form, lacks foundation, 15 and assumes facts not in evidence. Also calls for 16 speculation; and I also object under and instruct the witness 17 not to answer pursuant to the Fifth Amendment to the United 18 States Constitution as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. Let rephrase. Are you Anna Bettisworth?</p> <p>23 MR. BROOKS: Objection, vague, but you can 24 answer.</p> <p>25 A. My name is Annamarie Gates Davin.</p>	<p>1 BY MR. ROBINSON: 2 Q. Is your maiden name Anna Bettisworth? 3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 Q. Have you ever gone by the legal name Anna 10 Bettisworth Gates?</p> <p>11 MR. BROOKS: Objection, vague -- objection to 12 form, vague. Also, I object --</p> <p>13 MR. ROBINSON: I'll withdraw.</p> <p>14 MR. BROOKS: Okay.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. Have you ever gone by the name Annamarie Gates 17 Bettisworth?</p> <p>18 MR. BROOKS: Now objection, form, and also I 19 object under and instruct the witness not to answer pursuant 20 to the Fifth Amendment to the U.S. Constitution as well as 21 state law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>
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<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. Page 7 of 8 of the February 2013 draft project 7 proposal indicates that you have been active in the pro-life 8 movement and has worked with local pro-life groups in the 9 California Bay area, Survivors, Operation Rescue, and Live 10 Action. Is that statement accurate?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation, 12 assumes facts not in evidence. Also, compound and calls for 13 speculation. And also I object under and instruct the 14 witness not to answer pursuant to the Fifth Amendment to the 15 United States Constitution as well as state law including 16 Article 1, Section 15 of the California Constitution and 17 Article 1, Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. The February 2013 draft project proposal states from</p>	<p>1 2010 to 2012 Anna provided development and investigative 2 services to Live Action. Do you see that?</p> <p>3 A. I'm sorry?</p> <p>4 Q. Exhibit 204, page 7 of 8, Bates CM5362, the document 5 under the section Anna Bettisworth one sentence in reads, 6 from 2010 to 2012 Anna provided development and investigative 7 services to Live Action. Do you see that?</p> <p>8 A. I see the section you're referring to.</p> <p>9 Q. Is that statement accurate?</p> <p>10 MR. BROOKS: Objection, form, assumes facts not 11 in evidence and lacks foundation. Also vague, calls for 12 speculation. I also object under and instruct the witness 13 not to answer pursuant to the Fifth Amendment to the United 14 States Constitution as well as state law including Article 1, 15 Section 15 of the California Constitution and Article 1, 16 Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. The next sentence reads, Anna has trained multiple 25 undercover actors and participated in undercover stints</p>

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<p>1 herself. Do you see that?</p> <p>2 A. I see the section you're referring to.</p> <p>3 Q. Is that statement accurate?</p> <p>4 MR. BROOKS: Objection, form, assumes facts not in evidence and lacks foundation. Also calls for speculation, and I object under and instruct the witness not to answer pursuant to the Fifth Amendment to the United States Constitution as well as state law including Article 1, Section 15 of the California Constitution and Article 1, Section 23 of the North Carolina Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment to the United States Constitution as well as state law including Article 1, Section 15 of the California Constitution and Article 1, Section 23 of the North Carolina Constitution and therefore I respectfully decline to answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. The next sentence reads, she has five years experience running the day-to-day operations of nonprofits. 20 Do you see that?</p> <p>21 A. I see the section you're referring to, yes.</p> <p>22 Q. Is that statement accurate?</p> <p>23 MR. BROOKS: Objection to form, lacks foundation, assumes facts not in evidence, calls for speculation by the witness. I also object under and instruct</p>	<p>1 the witness not to answer pursuant to the Fifth Amendment to 2 the United States Constitution as well as state law including 3 Article 1, Section 15 of the California Constitution and 4 Article 1, Section 23 of the North Carolina Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Part of the document that we were looking at falls 13 under the heading, The Team. It lists David Daleiden, Anna 14 Bettisworth, Albin Rhomberg and Troy Newman in that section, 15 correct?</p> <p>16 MR. BROOKS: Objection, the document speaks for 17 itself, but you can answer.</p> <p>18 A. I mean, I see the heading you're referring to.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. Were all of those individuals part of CMP's team 21 from the beginning?</p> <p>22 MR. BROOKS: Objection, form, lacks foundation, 23 assumes facts not in evidence, calls for speculation by the 24 witness; and I object under and instruct the witness not to 25 answer pursuant to the Fifth Amendment to the United States</p>
<p>1 Constitution as well as state law including Article 1, 2 Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. In this same part of the document, the following 12 individuals are listed as consultants; Mark Crutcher, Dr. 13 Theresa Daisher, Randy Angle. Do you see that?</p> <p>14 A. I see the headings, yes.</p> <p>15 Q. Were all of those individuals consultants for CMP 16 from the beginning?</p> <p>17 MR. BROOKS: Objection, form, lacks 18 foundation, assumes facts not in evidence. Also a compound 19 question, and calls for speculation by the witness. I also 20 object under and insert -- and instruct the witness to not 21 answer under the Fifth Amendment to the United States 22 Constitution as well as state law including Article 1, 23 Section 15 of the California Constitution and Article 1, 24 Section 23 of the North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Prior to your work with CMP you had previously 8 trained multiple undercover actors and participants in 9 undercover stints yourself, correct?</p> <p>10 MR. BROOKS: Objection, form, compound question 11 -- compound question, lacks foundation, assumes facts not in 12 evidence. Also, I object under and instruct the witness to 13 not answer pursuant to the Fifth Amendment to the United 14 States Constitution as well as state law including Article 1, 15 Section 15 of the California Constitution and Article 1, 16 Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. Turning to page 8 of the document -- actually, 25 strike that. Let me move on to the next Exhibit.</p>

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<p>1 (Plaintiff's Exhibit Number 205 2 marked for identification)</p> <p>3 Q. You're being handed a copy of Exhibit 205. For the 4 record, Exhibit 205 is Email from Dave Daleiden to Annamarie 5 Bettisworth attaching Project Draft V2.0, Bates CM4737 6 through 50.</p> <p>7 MR. BROOKS: I'll just state an objection to 8 the characterization.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. Do you recognize Exhibit 205?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation, 12 assumes facts not in evidence. Also, I object under and 13 instruct the witness not to answer pursuant to the Fifth 14 Amendment to the United States Constitution as well as state 15 law including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. This is an Email from David Daleiden to you dated</p>	<p>1 February 17, 2013, correct? 2 MR. BROOKS: Objection, form, assumes facts not 3 in evidence, and lacks foundation. Also, I object under and 4 instruct the witness not to answer pursuant to the Fifth 5 Amendment to the United States Constitution as well as state 6 law including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution.</p> <p>9 MR. MIHET: Also vague, ambiguous and 10 mischaracterizes the document.</p> <p>11 MR. BROOKS: I'll join those objections as 12 well.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. Do you dispute that you are the Ms. Bettisworth to 21 whom Daleiden sent the Email on February 2013?</p> <p>22 MR. BROOKS: Objection, form, assumes facts not 23 in evidence and lacks foundation. Also calls for 24 speculation. I also object under and instruct the witness 25 not to answer pursuant to the Fifth Amendment to the United</p>
<p style="text-align: center;">Page 108</p> <p>1 States Constitution as well as state law including Article 1, 2 Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. Who is Fred Clark?</p> <p>12 MR. BROOKS: Objection, form, assumes facts not 13 in evidence and lacks foundation. Also calls for 14 speculation. Additionally, I object under and instruct the 15 witness not to answer pursuant to the Fifth Amendment to the 16 United States Constitution as well as state law including 17 Article 1, Section 15 of the California Constitution and 18 Article 1, Section 23 of the North Carolina Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p style="text-align: center;">Page 109</p> <p>1 Q. Why was David Daleiden reaching out to Fred Clark on 2 February 17, 2013?</p> <p>3 MR. BROOKS: Objection to form, assumes facts not in 4 evidence, and lacks foundation. Also calls for speculation. 5 I further object under and instruct the witness not to answer 6 pursuant to the Fifth Amendment to the United States 7 Constitution as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Looking at the attachment of this document page 1 of 18 13, CM04738 this version of the 2013 draft project proposal 19 states, by exposing one of the most sickening abuses of the 20 abortion industry this project aims to ignite public outrage 21 against the abortion industry, permanently damaging Planned 22 Parenthood's brand, and prompt defunding and criminal 23 prosecutions. Do you see that?</p> <p>24 MR. BROOKS: Objection to the characterization 25 of the document, and is also vague and ambiguous. I would</p>

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<p>1 also instruct the witness not to answer pursuant to the Fifth 2 Amendment to the United States Constitution as well as state 3 law including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution given the characterization of the document.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. Does the sentence that I just read accurately state 14 one of CMP's goals in launching what later became known as 15 The Human Capital Project?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation 17 and assumes facts not in evidence. Also calls for 18 speculation by the witness. Additionally, I object under and 19 instruct the witness not to answer pursuant to the Fifth 20 Amendment to the United States Constitution as well as state 21 law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. One of CMP's goals from the beginning was to 7 permanently damage Planned Parenthood's brand through the 8 release of undercover sting videos, correct?</p> <p>9 MR. BROOKS: Objection, form, assumes facts not 10 in evidence and lacks foundation. Additionally, calls for 11 speculation by the witness and compound question. Also, I 12 object under and instruct the witness not to answer pursuant 13 to the Fifth Amendment to the U.S. Constitution as well as 14 state law including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. Let's look at page 3 of this document, CM04740. 25 Under the section at the top, The Project, the last sentence</p>
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<p>1 of that section states, quote, The project's goals are to 2 trigger severely legal and financial consequences to the 3 abortion industry and permanently damage abortion stem cell 4 research in the public eye. Do you see that?</p> <p>5 A. Yes, I see that section.</p> <p>6 Q. That sentence accurately states one of CMP's goals 7 in launching what later became known as The Human Capitol 8 Project, correct?</p> <p>9 MR. BROOKS: Objection, form, assumes facts not 10 in evidence, lacks foundation, calls for speculation by the 11 witness. Also -- well -- also, I object under and instruct 12 the witness not to answer pursuant to the Fifth Amendment to 13 the United States Constitution as well as state law including 14 Article 1, Section 15 of the California Constitution and 15 Article 1, Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Turning now to page 10 of 13, CM04747 there's a 24 section called Production And Release, do you see that?</p> <p>25 A. Yes, I see that section.</p>	<p>1 Q. There's a screen shot from a video, do you see 2 that?</p> <p>3 MR. BROOKS: Objection, calls for speculation 4 lacks foundation.</p> <p>5 A. I see the section you're referring to.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. That screen shot is an excerpt from a Live Action 8 video, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation 10 and assumes fact not in evidence. Also calls for speculation 11 by the witness. The document speaks for itself, and I object 12 under and instruct the witness not to answer pursuant to the 13 Fifth Amendment to the United States Constitution as well as 14 state law including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. To the right of the screenshot the document states, 25 A month before the documentary is released, the roll out of</p>

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<p>1 the project will begin with the release of short viral 2 undercover Gotcha videos posted to YouTube each week. In 3 essence, the public unveiling of the fetal trafficking 4 project will begin with the release of James O'Keefe/live 5 action style viral undercover videos. Do you see that?</p> <p>6 A. I see that paragraph, yes.</p> <p>7 Q. Then it continues these 5 to 7 minute videos will 8 spotlight some of most damning Gotcha undercover footage 9 recorded by the project. Do you see that?</p> <p>10 A. I see that, yes.</p> <p>11 Q. It was one of CMP's goals from the beginning to 12 gather Gotcha -- live action style viral undercover videos 13 that would be used to damage Planned Parenthood's brand and 14 image, correct?</p> <p>15 MR. BROOKS: Objection, form, assumes facts not 16 in evidence and lacks foundation. Also vague and ambiguous 17 and compound question. I also object under and instruct the 18 witness not to answer pursuant to the Fifth Amendment of the 19 United States Constitution, as well as state law including 20 Article 1, Section 15 of the California Constitution and 21 Article 1, Section 23 of the North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. One of CMP's intended goals in releasing live action 5 style viral undercover videos was to attract severe negative 6 attention to the Planned Parenthood and NAF members depicted 7 in those videos, correct?</p> <p>8 MR. BROOKS: Objection, form, lacks 9 foundation -- lacks foundation, assumes facts not in 10 evidence, calls for speculation. Additionally I -- it's 11 additionally it's vague and ambiguous and I object under and 12 instruct the witness not to answer pursuant to the Fifth 13 Amendment to the United States Constitution as well as state 14 law including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. One of CMP's intended goals in releasing live action 25 style viral undercover video was to incite violence against</p>
<p>1 the Planned Parenthood officials and NAF members depicted in 2 those videos, correct?</p> <p>3 MR. BROOKS: Objection, form, assumes facts not 4 in evidence, lacks foundation, calls for speculation; also is 5 argumentative and harassing. I also object under and 6 instruct the witness not to answer pursuant to the Fifth 7 Amendment to the United States Constitution, as well as state 8 law including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution.</p> <p>11 MR. MIHET: I also object, because the 12 question goes to mischaracterizes the document about which 13 the witness is being questioned, as well as the testimony 14 used thus far in this case.</p> <p>15 MR. BROOKS: I'll join in that objection.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. One of CMP's intended goals in releasing live action 24 style viral undercover videos was to incite harassment and 25 death threats against the Planned Parenthood officials and</p>	<p>1 NAF members depicted in those videos, correct?</p> <p>2 MR. BROOKS: Objection, form, lacks foundation, 3 assumes facts not in evidence, calls for speculation by the 4 witness, is argumentative and harassing. I also object under 5 and instruct the witness not to answer pursuant to the Fifth 6 Amendment to the United States Constitution, as well as state 7 law including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution.</p> <p>10 MR. MIHET: I also object because the question 11 grossly mischaracterizes the document about which the witness 12 is purportedly being questioned, as well as the evidence 13 produced thus far in this case.</p> <p>14 MR. BROOKS: I join in that objection.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. CMP knew from its prior history in releasing live 23 action viral undercover video that harassment and death 24 threats to the persons depicted in those videos would likely 25 result from the publication of those videos, correct?</p>

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<p>1 MR. BROOKS: Objection, form, lacks foundation, 2 assumes facts not in evidence. Also calls for speculation by 3 the witness and mischaracterizes the document at issue and 4 the testimony in this case --</p> <p>5 MR. ROBINSON: Actually, let me interrupt you 6 and rephrase that.</p> <p>7 MR. BROOKS: Okay.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. CMP principals knew from the beginning, pursuant to 10 their prior work with Live Action that harassment and death 11 threats would likely result to the persons depicted in the 12 videos that they intended to gather?</p> <p>13 MR. BROOKS: Objection, form, lacks foundation, 14 assumes facts not in evidence, calls for speculation by the 15 witness and is also vague and ambiguous and mischaracterizes 16 the document at issue, specifically Exhibit 205, and the 17 testimony in this case thus far. Additionally, I object 18 under and instruct the witness not to answer pursuant to the 19 Fifth Amendment to the United States Constitution, as well as 20 state law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution.</p> <p>23 MR. MIHET: Also compound.</p> <p>24 MR. BROOKS: I join in that objection.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. In the same section that we were reading from this 8 document, the second to last sentence from the bottom refers 9 to, "These video should have a million views in just a few 10 weeks." Do you see that?</p> <p>11 MR. BROOKS: Object, that is not the entire 12 sentence.</p> <p>13 A. I'm sorry, what page are you on?</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. Page 10 of 13.</p> <p>16 A. 10.</p> <p>17 Q. The words, a million views in just a few weeks.</p> <p>18 MR. BROOKS: Objection.</p> <p>19 MR. MIHET: Objection, mischaracterizes the 20 document.</p> <p>21 MR. BROOKS: And objection, vague and 22 ambiguous.</p> <p>23 A. I see the sentence, yes.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. CMP intended from the videos that it intended to</p>
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<p>1 release through The Human Capital Project that those videos 2 would garner millions of views in just a few weeks and 3 achieve major media coverage and airplay on national news, 4 correct?</p> <p>5 MR. BROOKS: Object, objection form, lacks 6 foundation, assumes facts not in evidence, calls for 7 speculation by the witness. Also mischaracterizes the 8 document. I also -- as well as the evidence in this case. I 9 also object under and instruct the witness not to answer 10 pursuant to the Fifth Amendment to the United States 11 Constitution, as well as state law including Article 1, 12 Section 15 of the California Constitution and Article 1, 13 Section 23 of the North Carolina Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. In this same document on page 11 there's a section 22 at the top that states 9 items under the word goals, do you 23 see that?</p> <p>24 A. Yes, I see that.</p> <p>25 Q. Are the goals enumerated in the version of this</p>	<p>1 February 2013 draft project proposal accurate -- let me 2 rephrase that. Does the section at the top that reads goals 3 and enumerate 9 items, accurately state CMP's goals for The 4 Human Capital Project?</p> <p>5 MR. BROOKS: Objection, form, lacks foundation, 6 and assumes facts not in evidence. Also vague, ambiguous and 7 I object under and instruct the witness not to answer 8 pursuant to the Fifth Amendment to the United States 9 Constitution, as well as state law including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. The last page of this document contains a section at 20 the very bottom entitled, Appendix 3, Needs And Status, do 21 you see that?</p> <p>22 A. I see the section you're referring to.</p> <p>23 Q. The top item refers to moles. The description for 24 that item states, quote, to act as informants on middle man 25 companies, universities and potential clinics; and the status</p>

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<p>1 reads, quote, 2 already recruited. Do you see that?</p> <p>2 A. I see that section.</p> <p>3 Q. Who were the two moles that CMP had recruited to</p> <p>4 infiltrate or to serve as moles?</p> <p>5 MR. BROOKS: Objection, form, lacks foundation</p> <p>6 and assumes facts not in evidence; also vague. Additionally,</p> <p>7 I object under and instruct the witness not to answer</p> <p>8 pursuant to the Fifth Amendment to the United States</p> <p>9 Constitution, as well as state law including Article 1,</p> <p>10 Section 15 of the California Constitution and Article 1,</p> <p>11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment</p> <p>13 to the United States Constitution as well as state law</p> <p>14 including Article 1, Section 15 of the California</p> <p>15 Constitution and Article 1, Section 23 of the North Carolina</p> <p>16 Constitution and therefore I respectfully decline to</p> <p>17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. In Appendix 2, Preliminary Timeline, there's a</p> <p>20 reference to February 2013 begin StemExpress</p> <p>21 infiltration/surveillance. Do you see that?</p> <p>22 A. I see that section.</p> <p>23 Q. What steps, if any, was CMP planning to infiltrate</p> <p>24 StemExpress?</p> <p>25 MR. BROOKS: Objection, form, lacks foundation,</p>	<p>1 assumes facts not in evidence, calls for speculation, and is</p> <p>2 vague. I also object under and instruct the witness not to</p> <p>3 answer pursuant to the Fifth Amendment to the United States</p> <p>4 Constitution, as well as state law including Article 1,</p> <p>5 Section 15 of the California Constitution and Article 1,</p> <p>6 Section 23 of the North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment</p> <p>8 to the United States Constitution as well as state law</p> <p>9 including Article 1, Section 15 of the California</p> <p>10 Constitution and Article 1, Section 23 of the North Carolina</p> <p>11 Constitution and therefore I respectfully decline to</p> <p>12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. CMP took steps to infiltrate StemExpress through</p> <p>15 fraud and false pretenses in early 2013, correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation,</p> <p>17 assumes facts not in evidence, vague, calls for a legal</p> <p>18 conclusion, and is argumentative. I also object under and</p> <p>19 instruct the witness not to answer pursuant to the Fifth</p> <p>20 Amendment to the United States Constitution as well as state</p> <p>21 law including Article 1, Section 15 of the California</p> <p>22 Constitution and Article 1, Section 23 of the North Carolina</p> <p>23 Constitution. And I also object to the extent the question</p> <p>24 mischaracterizes the document, which I'm not sure if it was</p> <p>25 referencing or not</p>
<p style="text-align: center;">Page 124</p> <p>1 A. I am asserting my rights under the Fifth Amendment</p> <p>2 to the United States Constitution as well as state law</p> <p>3 including Article 1, Section 15 of the California</p> <p>4 Constitution and Article 1, Section 23 of the North Carolina</p> <p>5 Constitution and therefore I respectfully decline to</p> <p>6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. You were involved in CMP's attempts to infiltrate</p> <p>9 StemExpress through fraud and false pretenses, correct?</p> <p>10 MR. BROOKS: Objection, form, lacks foundation,</p> <p>11 assumes facts not in evidence, and it's argumentative. I</p> <p>12 also object under and instruct the witness not to answer</p> <p>13 pursuant to the Fifth Amendment to the United States</p> <p>14 Constitution, as well as state law including Article 1,</p> <p>15 Section 15 of the California Constitution and Article 1,</p> <p>16 Section 23 of the North Carolina Constitution.</p> <p>17 MR. MIHET: Also compound.</p> <p>18 MR. BROOKS: I join that objection.</p> <p>19 A. I am asserting my rights under the Fifth Amendment</p> <p>20 to the United States Constitution as well as state law</p> <p>21 including Article 1, Section 15 of the California</p> <p>22 Constitution and Article 1, Section 23 of the North Carolina</p> <p>23 Constitution and therefore I respectfully decline to</p> <p>24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p style="text-align: center;">Page 125</p> <p>1 (Plaintiff's Exhibit Number 206</p> <p>2 marked for identification)</p> <p>3 Q. I'm handing you a copy of Plaintiff's Exhibit 206.</p> <p>4 206 appears to be a letter addressed to StemExpress, Bate</p> <p>5 CM05298 through 99.</p> <p>6 MR. MIHET: Do you have another copy,</p> <p>7 Counsel?</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Do you recognize Exhibit 206?</p> <p>10 MR. BROOKS: Objection, form, ambiguous and</p> <p>11 lacks foundation. I also object under and instruct the</p> <p>12 witness not to answer pursuant to the Fifth Amendment to the</p> <p>13 United States Constitution, as well as state law including</p> <p>14 Article 1, Section 15 of the California Constitution and</p> <p>15 Article 1, Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment</p> <p>17 to the United States Constitution as well as state law</p> <p>18 including Article 1, Section 15 of the California</p> <p>19 Constitution and Article 1, Section 23 of the North Carolina</p> <p>20 Constitution and therefore I respectfully decline to</p> <p>21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Who is Kristin Mettler?</p> <p>24 MR. BROOKS: Objection, form, assumes facts</p> <p>25 not in evidence, calls for speculation. Also object and</p>

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<p>1 instruct the witness not to answer pursuant to the Fifth 2 Amendment to the United States Constitution, as well as state 3 law including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 (Plaintiff's Exhibit Number 207 14 marked for identification)</p> <p>15 Q. Kristin Mettler was one of the two moles referred to 16 in the draft project proposal for CMP, correct?</p> <p>17 MR. BROOKS: Objection, form, lacks foundation, 18 assumes facts not in evidence. Also calls for speculation 19 and is argumentative. I also assert or object under and 20 instruct the witness not to answer pursuant to the Fifth 21 Amendment to the United States Constitution, as well as state 22 law including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Daleiden intended for Kristin Mettler -- excuse me, 8 let me rephrase. Daleiden intended for Kristin Mettler to 9 infiltrate StemExpress masquerading to be a bona fide 10 candidate for a job at StemExpress, correct?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation, 12 assumes facts not in evidence. Also calls for speculation by 13 the witness and a compound question and argumentative. I 14 also object under and instruct the witness not to answer 15 pursuant to the Fifth Amendment of the United States 16 Constitution as well as state law including Article 1, 17 Section 15 of the California Constitution and Article 1, 18 Section 23 of the North Carolina Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>
<p>1 Q. Daleiden drafted this cover letter for Kristin 2 Mettler to use to apply for a job at StemExpress, correct?</p> <p>3 MR. BROOKS: Objection, form, lacks foundation, 4 assumes facts not in evidence, calls for speculation, 5 additionally mischaracterizes the document, which speaks for 6 itself; is a compound question. I also object under and 7 assert or instruct the witness not to answer pursuant to the 8 Fifth Amendment to the United States Constitution, as well as 9 state law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. I'm handing you a copy of Exhibit 207. Do you 20 recognize Exhibit 207?</p> <p>21 MR. BROOKS: Objection, form, lack of 22 foundation -- well, calls for speculation -- I'm sorry, 23 strike that. Ambiguous, form, ambiguous. Also, I object 24 under and instruct the witness not to answer under the the 25 Fifth Amendment to the United States Constitution as well as</p>	<p>1 state law including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. This is an Email that David Daleiden sent to Kristin 12 Mettler on which you were BCCed on March 2, 2013, correct?</p> <p>13 MR. BROOKS: Objection, form, assumes facts not 14 in evidence, and lacks foundation, calls for speculation; and 15 I object under and instruct the witness not to answer 16 pursuant to the Fifth Amendment to the United States 17 Constitution, as well as state law including Article 1, 18 Section 15 of the California Constitution and Article 1, 19 Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>

<p style="text-align: center;">Page 130</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. In Daleiden's Email to Kristin Mettler he writes, "I 3 just shared you on a Google document tonight on a redraft of 4 your resume. We'll format it nicely again, too, when the 5 content is all final. For the most part we just took a lot 6 of the older content out and changed the order of the 7 different sections. There are some items that are 8 highlighted that I need you fill in/expand because I don't 9 know the details. Ha Ha. Do you see that?</p> <p>10 MR. BROOKS: Objection because it was not read 11 exactly.</p> <p>12 A. I see the section you're referring to.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. What was that purpose of Daleiden writing this 15 message to Kristin Mettler?</p> <p>16 MR. BROOKS: Objection to form, lacks 17 foundation, assumes facts not in evidence, calls for 18 speculation by the witness. Additionally, I object under and 19 instruct the witness not to answer pursuant to the Fifth 20 Amendment to the United States Constitution, as well as state 21 law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p style="text-align: center;">Page 131</p> <p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. Daleiden is referring to fact that he is redrafting 7 Kristin Mettler's resume for submission to StemExpress in 8 order for her to serve as a mole, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation, 10 assumes facts not in evidence, calls for speculation and 11 mischaracterizes the document, which speaks for itself. 12 Also, I object under and instruct the witness not to answer 13 pursuant to the Fifth Amendment to the United States 14 Constitution, as well as state law including Article 1, 15 Section 15 of the California Constitution and Article 1, 16 Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to answer. 22 Is anyone opposed if I turn on the cool air?</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. Let's do it. Thank you.</p> <p>25 MR. BROOKS: If you need a break, just let them</p>
<p style="text-align: center;">Page 132</p> <p>1 know.</p> <p>2 A. Just needed cool air.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. Good call. In this Email Daleiden continues, quote, 5 in the skills section, especially, I want to just floor them 6 with your unique combination of bio/business skill sets which 7 is exactly what they should be looking for. The they in that 8 sentence refers to StemExpress, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation, 10 assumes facts not in evidence, calls for speculation by the 11 witness. Also I object under and instruct the witness not to 12 answer pursuant to the Fifth Amendment to the United States 13 Constitution as well as state law, including Article 1, 14 Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. In the third paragraph Daleiden writes, quote, also 24 I think we should append your CV to hopefully one page resume 25 because it shows how serious your science background is.</p>	<p style="text-align: center;">Page 133</p> <p>1 Just need to take out any references to bible study, 2 Christian organizations, etcetera as I have done in the draft 3 resume. Do you see that?</p> <p>4 A. I see that sentence.</p> <p>5 Q. Was the reason why Daleiden wanted to remove 6 reference to bible study and Christian organizations from 7 Kristin Mettler's resume to submit to StemExpress was to 8 further accomplish Daleiden's goal that Kristin Mettler would 9 serve as a mole in StemExpress?</p> <p>10 MR. BROOKS: Objection, form, lacks foundation, 11 assumes facts not in evidence, compound question, and calls 12 for speculation. Also, I object under and instruct the 13 witness not to answer pursuant to the Fifth Amendment to the 14 United States Constitution, as well as state law including 15 Article 1, Section 15 of the California Constitution and 16 Article 1, Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. In the fourth paragraph of this letter Daleiden 25 writes, quote, as for the cover letter, I'm starting to draft</p>

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<p>1 that, too, but we should talk about all that by phone 2 tomorrow. That should really be your voice, anyway. Do you 3 see that?</p> <p>4 A. I see the sentence, yes.</p> <p>5 Q. Daleiden contributed to the draft cover letter 6 authored -- reportedly authored by someone named Kristin 7 Mettler to submit to StemExpress in pursuit of a false job 8 application with them, correct?</p> <p>9 MR. BROOKS: Objection, form, assumes facts not 10 in evidence, lacks foundation. Additionally, it's a compound 11 question, and calls for speculation by the witness. Also, I 12 object under and instruct the witness not to answer pursuant 13 to the Fifth Amendment to the United States Constitution, as 14 well as state law including Article 1, Section 15 of the 15 California Constitution and Article 1, Section 23 of the 16 North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. Was Kristin Mettler even her real name?</p> <p>25 MR. BROOKS: Objection, form, assumes facts not</p>	<p>1 in evidence, and lacks foundation, vague and ambiguous. It 2 calls for speculation by the witness. Also, I object under 3 and instruct the witness not to answer pursuant to the Fifth 4 Amendment to the United States Constitution, as well as state 5 law including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. Daleiden approved the resume and cover letter 16 purportedly authored by someone named Kristin Mettler before 17 they were sent to StemExpress, correct?</p> <p>18 MR. BROOKS: Objection, form, lacks foundation, 19 assumes facts not in evidence, and calls for speculation by 20 the witness. Additionally, I object under and instruct the 21 witness not to answer pursuant to the Fifth Amendment to the 22 United States Constitution, as well as state law including 23 Article 1, Section 15 of the California Constitution and 24 Article 1, Section 23 of the North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>
<p style="text-align: center;">Page 136</p> <p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. In March 2013 Daleiden instructed someone named 8 Kristin Mettler to submit a fake cover letter and fake resume 9 to apply for a job at StemExpress, correct?</p> <p>10 MR. BROOKS: Objection, form, lacks foundation, 11 assumes facts not in evidence. Also vague and ambiguous and 12 calls for speculation by the witness. Additionally, I object 13 under and instruct the witness not to answer pursuant to the 14 United States Constitution's Fifth Amendment, as well as 15 state law including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 (Plaintiff's Exhibit Number 208)</p>	<p style="text-align: center;">Page 137</p> <p>1 marked for identification)</p> <p>2 Q. I'm handing you a copy of Plaintiff's Exhibit 208. 3 So the record's clear, the cover sheet is a compilation 4 Counsel prepared of the documents underlying it and have been 5 attached to the exhibit. We have --</p> <p>6 MR. MIHET: Which counsel?</p> <p>7 MR. ROBINSON: Counsel for NAF has prepared the 8 cover sheet, intending to serve as a FRE 1006 summary of the 9 documents that are attached underlying it. We have included 10 document ID, referring to the Bates number, the to and from 11 information, the sent date and time and the message content 12 from the series of communications that comprise this exhibit. 13 The Bates numbers of those exhibits are CM05143 through 65.</p> <p>14 MR. MIHET: Counsel, was this two-page 15 purported summary provided to defense counsel prior to 16 today?</p> <p>17 MR. ROBINSON: It's being provided to you now.</p> <p>18 MR. MIHET: In that case, for the record, I 19 object because I haven't had an opportunity to check and 20 verify to make sure that this is in fact what it purports to 21 be. So I reserve an objection on that.</p> <p>22 MR. BROOKS: I'll join in that reservation of 23 an objection.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Do you recognize the series of communications that</p>

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<p>1 we've marked as Exhibit 207 -- 208. Do you recognize the 2 series of communications that we have marked as Exhibit 2008 3 (sic) with Bates numbers CM5143 through 65?</p> <p>4 MR. BROOKS: Objection, form, vague and 5 ambiguous. Additionally, I object under and instruct the 6 witness not to answer pursuant to the Fifth Amendment to the 7 United States Constitution, as well as state law including 8 Article 1, Section 15 of the California Constitution and 9 Article 1, Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. The subject of these communications is, quote, chat 18 with Annamarie Bettisworth. Do you see that?</p> <p>19 A. I don't know where you're --</p> <p>20 Q. I'm looking at the first page, CM5143 after the 21 cover sheet. So, for example, just to orient us, the top of 22 CM5143 has a sent line that refers to May 3, 2013, you see 23 that?</p> <p>24 A. Yes, I see the sent.</p> <p>25 Q. It has a subject line that refers to chat with</p>	<p>1 Annamarie Bettisworth. Do you see that?</p> <p>2 A. I see.</p> <p>3 Q. It has a from line that refers to David. Do you see 4 that?</p> <p>5 MR. BROOKS: Objection to the characterization.</p> <p>6 A. Yes, I see the line.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. It has a to line, to Anna, do you see that?</p> <p>9 A. I see that line.</p> <p>10 Q. In the communication underneath states, your money 11 coming in. Do you see that?</p> <p>12 MR. BROOKS: Objection. Lacks foundation, 13 assumes facts not in evidence, and calls for speculation by 14 the witness. Additionally I object under and instruct the 15 witness not to answer pursuant to the Fifth Amendment to the 16 United States Constitution, as well as state law including 17 Article 1, Section 15 of the California Constitution and 18 Article 1, Section 23 of the North Carolina Constitution 19 given the phrasing of that question.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 140</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. Annamarie Bettisworth in the context of this 3 communication, that refers to you, correct?</p> <p>4 MR. BROOKS: Objection, form, assumes facts not 5 in evidence and lacks foundation. Additionally calls for 6 speculation, and I object under and instruct the witness not 7 to answer pursuant to the Fifth Amendment to the United 8 States Constitution, as well as state law including Article 9 1, Section 15 of the California Constitution and Article 1, 10 Section 23 of the North Carolina Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. Let's look at the next communication, CM05144. On 19 May 3rd, 2013 Daleiden wrote to you, "We have more than 20 enough to bring her and her sister out here now." Do you see 21 that?</p> <p>22 MR. BROOKS: Objection, form, lacks foundation, 23 assumes facts not in evidence. Also vague, and given the 24 phrasing on that situation I object under and instruct the 25 witness not to answer pursuant to the Fifth Amendment to the</p>	<p style="text-align: center;">Page 141</p> <p>1 United States Constitution, as well as state law including 2 Article 1, Section 15 of the California Constitution and 3 Article 1, Section 23 of the North Carolina Constitution.</p> <p>4 MR. MIHET: Also object because none of these 5 documents have been properly authenticated.</p> <p>6 MR. BROOKS: I join in that objection.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. That her in the message refers to Kristin Mettler, 15 correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation, 17 assumes facts not in evidence, calls for speculation 18 and there's a question about a document that's not been 19 authenticated. Additionally, I object under and instruct the 20 witness not to answer pursuant to the Fifth Amendment to the 21 United States Constitution, as well as state law including 22 Article 1, Section 15 of the California Constitution and 23 Article 1, Section 23 of the North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>

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<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. Now, what's going on in this series of 7 communications is Daleiden is expressing to you his concern 8 that Kristin Mettler will refuse to become a mole at 9 StemExpress, correct?</p> <p>10 MR. BROOKS: Objection, form, lacks foundation, 11 assumes facts not in evidence, continuous questions about a 12 document that's not been authenticated. Additionally, is a 13 compound question and is argumentative. Further, I object 14 under and instruct the witness not to answer pursuant to the 15 Fifth Amendment to the United States Constitution, as well as 16 state law including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p>1 Q. To provide just a little bit more context about 2 what's going on in this communication, I'm going to read 3 from, starting from 5143 through 5152. Daleiden writes, more 4 money coming in, we have more than enough to bring her and 5 her sister out here now, and I know that at least one thing 6 is legal, her going into work every day. I will pay her to 7 do this. Not just reimburse. You respond, okay. He 8 continues, what is she going to say, how can she say no, what 9 is her problem, what am I going to do -- sorry -- what am I 10 gonna tell the donors if she bails; and you reply, just deal 11 with one thing at a time. Is that a true and correct series 12 of communications that you and Daleiden exchanged on May 3rd, 13 2013?</p> <p>14 MR. BROOKS: Objection, form, lacks foundation, 15 assumes facts not in evidence, questions about documents that 16 have not been authenticated. Additionally, it is an 17 incomplete recitation of the documents and I object under and 18 assert -- instruct the witness not to answer pursuant to the 19 Fifth Amendment to the United States Constitution, as well as 20 state law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution.</p> <p>23 MR. MIHET: Hopelessly compound as well. 24 MR. BROOKS: I will join that as well.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>
<p style="text-align: center;">Page 144</p> <p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. The next communication in the string is from David 8 to you and it states, yeah, but you had a vision. Do you see 9 that?</p> <p>10 MR. BROOKS: Objection, form, lacks foundation, 11 assumes facts not in evidence, characterizes the document 12 that has not been authenticated. Also calls for speculation, 13 and I object to and instruct the witness not to answer 14 pursuant to the Fifth Amendment to the United States 15 Constitution, as well as state law including Article 1, 16 Section 15 of the California Constitution and Article 1, 17 Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Is this a true and correct copy of a communication</p>	<p style="text-align: center;">Page 145</p> <p>1 that you exchanged with David Daleiden on May 3, 2013?</p> <p>2 MR. BROOKS: Objection, form, calls for 3 speculation. Additionally, I object pursuant to and instruct 4 the witness not to answer pursuant to the Fifth Amendment to 5 the United States Constitution, as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. Was it your vision that Kristin Mettler would serve 17 as a mole at StemExpress in furtherance of CMP's work?</p> <p>18 MR. BROOKS: Objection, form, lacks foundation 19 and assumes facts not in evidence, so object pursuant to and 20 instruct the witness not to answer in light of the Fifth 21 Amendment to the United States Constitution, as well as state 22 law including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and additionally, I object to the extent that it 25 mischaracterizes a document that's being questioned about.</p>

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<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Reading further through this string David writes, 9 you know it's hopeless; you respond, uh. You then write, 10 stop freaking out. You then ask, did she answer. You then 11 state I can't talk until, like, 9:30 or 10. David responds, 12 she didn't answer, no, I need you to be free at, like, 13 dinnertime. OMG. Just talked to the Mahers, they want 14 Kristin back. Do you see that?</p> <p>15 MR. BROOKS: Objection, form, assumes facts not 16 in evidence, lacks foundation, continues questioning about a 17 document that's has not been authenticated, and also calls 18 for speculation and is compound. I also object under and 19 instruct the witness not to answer pursuant to the Fifth 20 Amendment to the United States Constitution, as well as state 21 law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. Is this a true and correct copy of a series of 7 communications between you and Daleiden on May 3, 2011 -- 8 sorry, 2013, what we just read?</p> <p>9 MR. BROOKS: Objection, form, vague and 10 ambiguous, lacks foundation, assumes facts not in evidence, 11 and continuously asking about a -- and is compound. I also 12 object pursuant to and instruct the witness not to answer 13 pursuant to the Fifth Amendment to the United States 14 Constitution, as well as state law including Article 1, 15 Section 15 of the California Constitution and Article 1, 16 Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. Again, the Kristin in the series of communications 25 refers to Kristin Mettler, correct?</p>
<p>1 MR. BROOKS: Objection, form, assumes facts not 2 in evidence, lacks foundation, the question is about a 3 document that's not been authenticated. Additionally calls 4 for speculation by the witness, and I object under and 5 instruct the witness not to answer pursuant to the Fifth 6 Amendment to the United States Constitution, as well as state 7 law including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Why did the person who used the name of Kristin 18 Mettler refuse to become a mole at StemExpress after Daleiden 19 instructed her to submit a fake cover letter and resume for a 20 job at StemExpress?</p> <p>21 MR. BROOKS: Objection, form, lacks foundation, 22 assumes facts not in evidence, and is in effect a compound 23 question. Additionally calls for speculation by the witness.</p> <p>24 MR. MIHET: Also mischaracterizes the documents 25 unauthenticated as they are.</p>	<p>1 MR. BROOKS: I join in that objection and I 2 object under and instruct the witness not to answer pursuant 3 to the Fifth Amendment to the United States Constitution, as 4 well as state law including Article 1, Section 15 of the 5 California Constitution and Article 1, Section 23 of the 6 North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. Kristin Mettler refused to work for CMP because she 15 was concerned about the legality of CMP's work. That was at 16 least one of her reasons, correct?</p> <p>17 MR. BROOKS: Objection, form, lacks foundation, 18 assumes facts not in evidence, questions about 19 unauthenticated documents, mischaracterizes them as well. 20 Additionally, I object under and instruct the witness not to 21 answer pursuant to the Fifth Amendment to the United States 22 Constitution, as well as state law including Article 1, 23 Section 15 of the California Constitution and Article 1, 24 Section 23 of the North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>

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<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 (Plaintiff's Exhibit Number 209 8 marked for identification)</p> <p>9 Q. I'm handing you what we have marked as Exhibit 209.</p> <p>10 MR. BROOKS: Thank you, sir.</p> <p>11 MR. ROBINSON: For the record, Exhibit 209 is 12 another series of communications exchanged between David and 13 Anna, subject line chat with Annamarie, Bates CM05189 through 14 96; and Counsel for NAF has provided the cover letter 15 summarizing the content to his communications.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Do you recognize Exhibit 209?</p> <p>18 MR. MIHET: Can I interpose the same objection 19 because the documents haven't been authenticated. For 20 purposes of the summary, has not been timely provided to 21 Defendant's Counsel and I reserve objection.</p> <p>22 MR. BROOKS: I join in that objection to the 23 summary and interpose an objection to the question, 24 underlying question that it is vague and ambiguous and lacks 25 foundation, assumes facts not in evidence, and calls for</p>	<p>1 speculation by the witness. Also, I object under and 2 instruct the witness not to answer pursuant to the Fifth 3 Amendment to the United States Constitution, as well as state 4 law including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. This is a true and correct copy of a series of 15 communications between you and David Daleiden on May 3, 2013, 16 correct?</p> <p>17 MR. BROOKS: Objection, form, assumes facts not 18 in evidence, and lacks foundation. More importantly, I 19 object under and instruct the witness not to answer pursuant 20 to the Fifth Amendment to the United States Constitution, as 21 well as state law including Article 1, Section 15 of the 22 California Constitution and Article 1, Section 23 of the 23 North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>
<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. In this series of communications David writes, call 7 now, she's bailing, what do we say, can you hear, and you 8 respond, how sure is she. David continues, she said, "I'm 9 pretty firm on this." You say, let her go, this isn't going 10 to get DTR. Do you see that?</p> <p>11 MR. BROOKS: Objection to the characterization, 12 which lacks foundation and assumes facts not in evidence; and 13 therefore, I object under and instruct the witness not to 14 answer pursuant to the Fifth Amendment to the United States 15 Constitution, as well as state law including Article 1, 16 Section 15 of the California Constitution and Article 1, 17 Section 23 of the North Carolina Constitution; again, given 18 the characterizations embedded in the question.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p>1 Q. This series of communications again relates to 2 Kristin Mettler's refusal to work for CMP, correct?</p> <p>3 MR. BROOKS: Objection, form, lacks foundation, 4 assumes facts in evidence and questions about documents that 5 have not been authenticated. Additionally, calls for 6 speculation by the witness. I further object under and 7 instruct the witness not to answer pursuant to the Fifth 8 Amendment to the United States Constitution, as well as state 9 law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 (Plaintiff's Exhibit Number 210 20 marked for identification)</p> <p>21 Q. Handing you a copy of what was marked Exhibit 210. 22 Exhibit 210 is an Email between David Daleiden and Anna Marie 23 Bettsworth entitled, Resume sent May 4, 2013 Bates CM05240. 24 Do you have recognize Exhibit 210?</p> <p>25 MR. BROOKS: Objection, form, assumes facts not</p>

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<p>1 in evidence, lacks foundation and characterizes a document 2 that is yet to be authenticated. I also object under and 3 instruct the witness not to answer pursuant to the Fifth 4 Amendment to the United States Constitution, as well as state 5 law including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. This is a true and correct copy of a E-mail Daleiden 16 sent on out May 4, 2013, correct?</p> <p>17 MR. BROOKS: Objection, form, also speculation. 18 Additionally, I object under and instruct the witness not to 19 answer under the Fifth Amendment to the United States 20 Constitution, as well as state law including Article 1, 21 Section 15 of the California Constitution and Article 1, 22 Section 23 of the North Carolina Constitution.</p> <p>23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>	<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. In this Email Daleiden writes, will you please me 6 your resume. Anna Gates needs to apply for exec assistant. 7 Do you see that?</p> <p>8 MR. BROOKS: Objection. Given the 9 characterization in that question, so I object to the form 10 because it assumes facts not in evidence, lacks foundation 11 and also compound. Also, again, given the characterization 12 of the question, I object under and instruct the witness not 13 to answer pursuant to the Fifth Amendment to the United 14 States Constitution, as well as state law including Article 15 1, Section 15 of the California Constitution and Article 1, 16 Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to answer. 22 Is it possible to take a short restroom break?</p> <p>23 Q. Let's go off the record.</p> <p>24 THE VIDEOGRAPHER: Going off record. The time 25 is 2:22 p.m.. This is the end of DVD Number 2.</p>
<p>(RECESS TAKEN)</p> <p>THE VIDEOGRAPHER: We're going back on record. The time is 2:34 p.m.. This is the beginning of DVD Number 3.</p> <p>Q. So we were looking at Exhibit 210. Now, what's going on here is that on May 4, 2013, the day after Daleiden learns that Kristin Mettler bailed on becoming a mole at StemExpress, Daleiden instructs you to submit a job application for an executive assistant position at StemExpress, correct?</p> <p>MR. BROOKS: Objection, form, assumes facts not in evidence, and lacks foundation, and lacks authentication of and calls for speculation by the witness. Additionally, compound, and I object under and instruct the witness not to answer pursuant to the Fifth Amendment to the United States Constitution, as well as state law including Article 1, Section 15 of the California Constitution and Article 1, Section 23 of the North Carolina Constitution.</p> <p>A. I am asserting my rights under the Fifth Amendment to the United States Constitution as well as state law including Article 1, Section 15 of the California Constitution and Article 1, Section 23 of the North Carolina Constitution and therefore I respectfully decline to answer.</p> <p>BY MR. ROBINSON:</p>	<p>Q. In essence, Daleiden is instructing you to become a mole, correct?</p> <p>MR. BROOKS: Objection, form, asked and answered, lack foundation, assumes facts not in evidence; and I object under and instruct the witness not to answer pursuant to the Fifth Amendment to the United States Constitution, as well as state law including Article 1, Section 15 of the California Constitution and Article 1, Section 23 of the North Carolina Constitution.</p> <p>A. I am asserting my rights under the Fifth Amendment to the United States Constitution as well as state law including Article 1, Section 15 of the California Constitution and Article 1, Section 23 of the North Carolina Constitution and therefore I respectfully decline to answer.</p> <p>BY MR. ROBINSON:</p> <p>Q. What was your reaction to Mr. Daleiden's request that you apply for the executive assistant position at StemExpress?</p> <p>MR. BROOKS: Objection, form, lacks foundation, assumes facts not in evidence, asks about a document that has not yet been authenticated; and also I object under and instruct the witness not to answer pursuant to the Fifth Amendment to the United States Constitution, as well as state law including Article 1, Section 15 of the California</p>

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<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 (Plaintiff's Exhibit Number 211 11 marked for identification)</p> <p>12 Q. Handing you a copy of Plaintiff's Exhibit 211, that 13 is a true and correct copy of an Email that David Daleiden 14 sent to you on May 9, 2013 entitled ACG -- attaching ACG 15 resume, correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation, 17 and assumes facts not in evidence. Additionally, calls for 18 speculation from the witness, and I object under and instruct 19 the witness not to answer pursuant to the Fifth Amendment to 20 the United States Constitution, as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. On May 9, 2013 Daleiden sent you a copy of a resume 7 that he intended for you to use to apply for an executive 8 assistant position at StemExpress, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation, 10 assumes facts not in evidence, calls for speculation by the 11 witness. Also, I object under and instruct the witness not 12 to answer pursuant to the Fifth Amendment to the United 13 States Constitution, as well as state law including Article 14 1, Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. The attachment is a resume with the name Anna 24 Christine Gates at the top, correct?</p> <p>25 MR. BROOKS: Objection to form, assumes facts</p>
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<p>1 not in evidence, and lacks foundation, and asks about a 2 document that has not yet been authenticated. Additionally, 3 it calls for speculation. I also object under and instruct 4 the witness not to answer pursuant to the Fifth Amendment to 5 the United States Constitution as well as state law including 6 Article 1, Section 15 of the California Constitution and 7 Article 1, Section 23 of the North Carolina Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. Anna Christine Gates, that refers to you, correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation, 17 assumes facts not in evidence, calls for speculation by 18 witness, and again this document not been authenticated. I 19 also object under and instruct the witness not to answer 20 pursuant to the Fifth Amendment to the United States 21 Constitution as well as state law including Article 1, 22 Section 15 of the California Constitution and Article 1, 23 Section 23 of the North Carolina Constitution and instruct 24 the witness not to answer.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. The resume refers to the Bachelors of Art degree in 8 Sociology you earned at Charter Oak State College, 9 Connecticut in 2010. Do you see that?</p> <p>10 MR. BROOKS: Objection, form, lacks foundation, 11 assumes facts not in evidence, calls for speculation, and is 12 ambiguous. Additionally, I object under and instruct the 13 witness not to answer pursuant to the Fifth Amendment to the 14 United States Constitution, as well as state law including 15 Article 1, Section 15 of the California Constitution and 16 Article 1, Section 23 of the North Carolina Constitution. 17 And, if I didn't say it before, I object, again, the 18 document's not been authenticated.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>

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<p>1 Q. That line refers to the same degree that you 2 testified earlier today you earned from Charter Oak State 3 College, Connecticut, correct? 4 MR. BROOKS: Object to form, lacks foundation, 5 assumes facts not in evidence, calls for speculation. Again, 6 the document's not been authenticated. Additionally, I 7 object and instruct the witness not to answer pursuant to the 8 Fifth Amendment to the United States Constitution, as well as 9 state law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 (Plaintiff's Exhibit Number 212 20 marked for identification)</p> <p>21 Q. I'm handing you a copy of Plaintiff's Exhibit 212. 22 Plaintiffs Exhibit 212 is an Email from David Daleiden to 23 Annamarie Bettisworth dated May 13, 2013 Bates number CM05029 24 and with attachments goes through CM05033 -- nope 5034 -- 25 5033. This is a true and correct copy of an Email that David</p>	<p>1 Daleiden sent to you on May 13, 2013, correct? 2 MR. BROOKS: Objection, form, lacks foundation, 3 assumes facts not in evidence, and calls for speculation by 4 the witness; and I also object under and instruct the witness 5 not to answer pursuant to the Fifth Amendment to the United 6 States Constitution, as well as state law including Article 7 1, Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. The attachments to the Email are, one, your resume 17 and two, a cover letter made up for your signature, correct? 18 MR. BROOKS: Objection, form, lacks foundation, 19 assumes facts not in evidence, and this question's about a 20 document that the witness did not authenticate. 21 Additionally, calls for speculation by the witness, and I 22 object under and instruct the witness not to answer pursuant 23 to the Fifth Amendment to the United States Constitution, as 24 well as state law including Article 1, Section 15 of the 25 California Constitution and Article 1, Section 23 of the</p>
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<p>1 North Carolina Constitution. 2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. The cover letter attached to David Daleiden's May 10 13, 2013 E-mail, is a cover letter intended for you to use to 11 apply for the position of executive assistant at StemExpress, 12 correct?</p> <p>13 MR. BROOKS: Objection, form, assumes facts not 14 in evidence, lacks foundation, question's about a document 15 that's not been authenticated, it calls for speculation. 16 Additionally, I object under and instruct the witness not to 17 answer pursuant to the Fifth Amendment to the United States 18 Constitution, as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>	<p>1 answer. 2 BY MR. ROBINSON: 3 Q. David Daleiden wrote the cover letter attached to 4 the May 13, 2013 Email, correct? 5 MR. BROOKS: Objection, form, lacks foundation, 6 assumes facts not in evidence, and again the document has not 7 been authenticated. Additionally, calls for speculation, and 8 I also object under and instruct the witness not to answer 9 pursuant to the Fifth Amendment to the United States 10 Constitution, as well as state law including Article 1, 11 Section 15 of the California Constitution and Article 1, 12 Section 23 of the North Carolina Constitution.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. In the body of the May 13, 2013 E-mail David 21 Daleiden provides you with instructions for uploading the 22 resume and cover letter to the StemExpress website in order 23 to apply for a job there, correct? 24 MR. BROOKS: Objection, form, lacks foundation, 25 assumes facts not in evidence, question's about a document</p>

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<p>1 that's not been authenticated by the witness, and calls for 2 speculation. Also, I object under and instruct the witness 3 not to answer pursuant to the Fifth Amendment to the United 4 States Constitution, as well as state law including Article 5 1, Section 15 of the California Constitution and Article 1, 6 Section 23 of the North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. On the second page of the cover letter, the very 15 last paragraph, the first sentence reads, "People who know me 16 describe me as loyal, hard working and a quick learner." Do 17 you see that?</p> <p>18 MR. BROOKS: Do you mind giving her the Bates 19 number?</p> <p>20 MR. ROBINSON: CM05033.</p> <p>21 A. I see the sentence you're describing.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. In this cover letter you and Daleiden talk about 24 your loyalty in order to induce StemExpress to hire you, 25 correct?</p>	<p>1 MR. BROOKS: Objection, form, lacks foundation, 2 assumes facts not in evidence, asked questions about a 3 document that's not been authenticated. Additionally, calls 4 for speculation by the witness, argumentative. Additionally, 5 I object under and instruct the witness not to answer 6 pursuant to the Fifth Amendment to the United States 7 Constitution, as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Your intent at the time, however, was to infiltrate 18 StemExpress in order to take surveillance to create live 19 action style undercover video and inflict damage on 20 StemExpress, correct?</p> <p>21 MR. BROOKS: Objection, form, lacks 22 foundations, assumes facts not in evidence, compound, and 23 argumentative. Additionally I -- again, document has not 24 been authenticated to the extent the question asked about the 25 document. Also, I object under and instruct the witness not</p>
<p style="text-align: center;">Page 168</p> <p>1 to answer pursuant to the Fifth Amendment to the United 2 States Constitution, as well as state law including Article 3 1, Section 15 of the California Constitution and Article 1, 4 Section 23 of the North Carolina Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Do you know who Cate Dyer is?</p> <p>13 MR. BROOKS: Objection, assumes facts not in 14 evidence, and lacks foundation. More importantly, I object 15 under and instruct the witness not to answer pursuant to the 16 Fifth Amendment to the United States Constitution, as well as 17 state law including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution. And I'll add the vagueness to the objection to 20 form.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>	<p style="text-align: center;">Page 169</p> <p>1 answer.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. Cate Dyer is the CEO of StemExpress, correct?</p> <p>4 MR. BROOKS: Objection, form, lacks foundation, 5 assumes facts not in evidence. More importantly, objection 6 pursuant to the Fifth Amendment to the United States 7 Constitution, as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution, because of the 10 objection, I instruct the witness not to -- because of the 11 privilege objection, I instruct the witness not to answer.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. This cover letter is addressed to Cate Dyer, CEO, 20 StemExpress, correct?</p> <p>21 MR. BROOKS: Objection, assumes facts not in 22 evidence and lacks foundation. Again, asked about a document 23 that has not been authenticated and calls for speculation. 24 Additionally, I object under and instruct the witness not to 25 answer pursuant to the Fifth Amendment of the United States</p>

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<p>1 Constitution, as well as state law including Article 1, 2 Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution, and instruct 4 the witness not to answer on that privilege.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Did Daleiden discuss his views about Cate Dyer with 13 you?</p> <p>14 MR. BROOKS: Objection, form, lack of 15 foundation, assumes facts not in evidence. To the extent 16 it's asking about the document, the document's not been 17 authenticated. Additionally, it's vague and I object under 18 and instruct the witness not to answer pursuant to the Fifth 19 Amendment of the United States Constitution, as well as state 20 law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution.</p> <p>23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>	<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. Daleiden had unusually strong negative feelings 6 towards Cate Dyer, correct?</p> <p>7 MR. BROOKS: Objection, form, lacks foundation, 8 assumes facts not in evidence, vague and ambiguous; and I 9 object under and instruct the witness not to answer pursuant 10 to the Fifth Amendment of the United States Constitution, as 11 well as state law including Article 1, Section 15 of the 12 California Constitution and Article 1, Section 23 of the 13 North Carolina Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. Cate Dyer was one of the subjects -- sorry, let me 22 rephrase. Cate Dyer was the subject of one of CMP's 23 undercover viral videos, correct?</p> <p>24 MR. BROOKS: Objection to form, lacks 25 foundation, assumes facts not in evidence, and calls for</p>
<p style="text-align: center;">Page 172</p> <p>1 speculation. Also, I object under and instruct the witness 2 not to answer pursuant to the Fifth Amendment of the United 3 States Constitution as well as state law including Article 1, 4 Section 15 of the California Constitution and Article 1, 5 Section 23 of the North Carolina Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. Cate Dyer received death threats in response to 14 CMP's viral undercover videos about her, correct?</p> <p>15 MR. BROOKS: Objection, form, lacks foundation, 16 assumes facts not in evidence, argumentative and harassing. 17 Additionally, I object under and instruct the witness not to 18 answer pursuant to the Fifth Amendment to the United States 19 Constitution, as well as state law including Article 1, 20 Section 15 of the California Constitution and Article 1, 21 Section 23 of the North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p style="text-align: center;">Page 173</p> <p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. Are you aware that federal authorities arrested 5 Scott Horton, a Washington resident, and a Federal Court 6 sentenced him to over a year in prison after he blogged about 7 killing StemExpress employees and specifically Cate Dyer?</p> <p>8 MR. BROOKS: Objection, form first, quite 9 compound, also assumes facts not in evidence, lacks 10 foundation, and is argumentative, harassing and irrelevant. 11 Additionally, I object under and instruct the witness not to 12 answer pursuant to the Fifth Amendment to the United States 13 Constitution as well as state law including Article 1, 14 Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Scott Horton's death threats to Cate Dyer, which 24 resulted in his arrest and imprisonment, occurred in direct 25 response to CMP's viral undercover videos about Cate Dyer,</p>

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<p>1 correct?</p> <p>2 MR. BROOKS: Objection, form, again, compound,</p> <p>3 argumentative, harassing, irrelevant, assumes facts not in</p> <p>4 evidence and lacks foundation. Also calls for witness to</p> <p>5 speculate, and offer legal opinion. Additionally, I object</p> <p>6 under and instruct the witness not to answer pursuant to the</p> <p>7 Fifth Amendment to the United States Constitution as well as</p> <p>8 state law including Article 1, Section 15 of the California</p> <p>9 Constitution and Article 1, Section 23 of the North Carolina</p> <p>10 Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment</p> <p>12 to the United States Constitution as well as state law</p> <p>13 including Article 1, Section 15 of the California</p> <p>14 Constitution and Article 1, Section 23 of the North Carolina</p> <p>15 Constitution and therefore I respectfully decline to</p> <p>16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. To your knowledge, Daleiden intended that its viral</p> <p>19 undercover videos about Cate Dyer would result in harassment</p> <p>20 and death threats against her, correct?</p> <p>21 MR. BROOKS: Objection, form, lacks foundation,</p> <p>22 assumes facts not in evidence, calls for speculation by the</p> <p>23 witness, is argumentative and harassing. Additionally, I</p> <p>24 object under and instruct the witness not to answer pursuant</p> <p>25 to the Fifth Amendment to the United States Constitution, as</p>	<p>1 well as state law including Article 1, Section 15 of the</p> <p>2 California Constitution and Article 1, Section 23 of the</p> <p>3 North Carolina Constitution. And if I didn't say it before,</p> <p>4 I object, I believe the question was compound.</p> <p>5 A. I am asserting my rights under the Fifth Amendment</p> <p>6 to the United States Constitution as well as state law</p> <p>7 including Article 1, Section 15 of the California</p> <p>8 Constitution and Article 1, Section 23 of the North Carolina</p> <p>9 Constitution and therefore I respectfully decline to</p> <p>10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Did you intend for CMP's viral undercover videos to</p> <p>13 incite death threats against Cate Dyer?</p> <p>14 MR. BROOKS: Objection, form, lacks foundation,</p> <p>15 assumes facts not in evidence, is argumentative and</p> <p>16 harassing. Also is a compound question. Additionally, I</p> <p>17 object under and instruct the witness not to answer pursuant</p> <p>18 to the Fifth Amendment to the United States Constitution, as</p> <p>19 well as state law including Article 1, Section 15 of the</p> <p>20 California Constitution and Article 1, Section 23 of the</p> <p>21 North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment</p> <p>23 to the United States Constitution as well as state law</p> <p>24 including Article 1, Section 15 of the California</p> <p>25 Constitution and Article 1, Section 23 of the North Carolina</p>
<p style="text-align: center;">Page 176</p> <p>1 Constitution and therefore I respectfully decline to</p> <p>2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. Do you feel any remorse or responsibility for your</p> <p>5 actions against StemExpress sitting here today?</p> <p>6 MR. BROOKS: Objection, form, lacks foundation,</p> <p>7 assumes facts not in evidence, is argumentative and</p> <p>8 harassing, is also vague and ambiguous. I also object under</p> <p>9 and instruct the witness not to answer pursuant to the Fifth</p> <p>10 Amendment to the United States Constitution, as well as state</p> <p>11 law including Article 1, Section 15 of the California</p> <p>12 Constitution and Article 1, Section 23 of the North Carolina</p> <p>13 Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment</p> <p>15 to the United States Constitution as well as state law</p> <p>16 including Article 1, Section 15 of the California</p> <p>17 Constitution and Article 1, Section 23 of the North Carolina</p> <p>18 Constitution and therefore I respectfully decline to</p> <p>19 answer.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. Let's talk about CMP's infiltration of NAF in 2014.</p> <p>22 What steps did CMP take to illegally infiltrate NAF's meeting</p> <p>23 in 2014?</p> <p>24 MR. BROOKS: Objection, form, vague and</p> <p>25 ambiguous. I don't think we have defined terms. Also,</p>	<p style="text-align: center;">Page 177</p> <p>1 assumes fact not in evidence and lacks foundation, calls for</p> <p>2 speculation by the witness. Also, I object under and</p> <p>3 instruct the witness not to answer pursuant to the Fifth</p> <p>4 Amendment to the United States Constitution, as well as state</p> <p>5 law including Article 1, Section 15 of the California</p> <p>6 Constitution and Article 1, Section 23 of the North Carolina</p> <p>7 Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment</p> <p>9 to the United States Constitution as well as state law</p> <p>10 including Article 1, Section 15 of the California</p> <p>11 Constitution and Article 1, Section 23 of the North Carolina</p> <p>12 Constitution and therefore I respectfully decline to</p> <p>13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. In preparing to infiltrate NAF in 2014, CMP created</p> <p>16 a front company named BioMax, correct?</p> <p>17 MR. BROOKS: Objection to form, lacks</p> <p>18 foundation, assumes facts not in evidence, calls for</p> <p>19 speculation by the witness. Also it's effectively a compound</p> <p>20 question. I also object under and instruct the witness not</p> <p>21 to answer pursuant to the Fifth Amendment to the United</p> <p>22 States Constitution, as well as state law including Article</p> <p>23 1, Section 15 of the California Constitution and Article 1,</p> <p>24 Section 23 of the North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>

<p style="text-align: center;">Page 178</p> <p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Were you involved in the incorporation of or the 8 creation of the fake front company Bio Max in connection with 9 NAF -- sorry, let me rephrase. Were you involved in the 10 creation of the fake front company, Bio Max, in connection 11 with CMP's infiltration of NAF's annual meeting in 2014?</p> <p>12 MR. BROOKS: Objection, foundation, assumes 13 facts not in evidence -- sorry, objection, form, assumes 14 facts not in evidence, lacks foundation, is also 15 argumentative; and I object under and instruct the witness 16 not to answer pursuant to the Fifth Amendment to the United 17 States Constitution, as well as state law including Article 18 1, Section 15 of the California Constitution and Article 1, 19 Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>	<p style="text-align: center;">Page 179</p> <p>1 BY MR. ROBINSON: 2 Q. In connection with NAF's infiltration -- sorry. In 3 connection with CMP's infiltration of NAF's annual meeting in 4 2014 CMP created a fake website, fake executives and titles, 5 fake business cards, and fake Email domain for Bio Max, 6 correct?</p> <p>7 MR. BROOKS: Objection, form, lacks foundation, 8 assumes facts not in evidence, calls for speculation by the 9 witness, and is a compound question. Additionally I -- 10 argumentative. And I object under and instruct the witness 11 not to answer pursuant to the Fifth Amendment to the United 12 States Constitution, as well as state law including Article 13 1, Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON: 22 Q. CMP recruited other actors to serve in undercover 23 capacity at NAF's annual meeting in 2014, correct? 24 MR. BROOKS: Objection, vague and ambiguous, 25 lacks foundation, assumes facts not in evidence and it's</p>
<p style="text-align: center;">Page 180</p> <p>1 argumentative. I also object under and instruct the witness 2 not to answer pursuant to the Fifth Amendment to the United 3 States Constitution, as well as state law including Article 4 1, Section 15 of the California Constitution and Article 1, 5 Section 23 of the North Carolina Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON: 13 Q. One of the people that CMP recruited to help 14 infiltrate NAF's annual meeting in 2014 masqueraded under the 15 name of Brianna Allen, correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation, 17 assumes facts not in evidence, calls for speculation by the 18 witness. Again, it's vague and ambiguous as well. I also 19 object under and instruct the witness not to answer pursuant 20 to the Fifth Amendment to the United States Constitution, as 21 well as state law including Article 1, Section 15 of the 22 California Constitution and Article 1, Section 23 of the 23 North Carolina Constitution.</p> <p>24 MR. MIHET: The question is also 25 argumentative.</p>	<p style="text-align: center;">Page 181</p> <p>1 MR. BROOKS: Yes, I join that objection. 2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer. 8 (Plaintiff's Exhibit Number 213 9 marked for identification)</p> <p>10 BY MR. ROBINSON: 11 Q. You're being handed a copy of Plaintiff's Exhibit 12 213. It is an Email from David Daleiden to someone whose 13 presumably name is blacked out in this document. The CC is 14 to Annamarie Bettisworth. The subject is introductory 15 materials, the Bates number is CM00044 through 47.</p> <p>16 MR. MIHET: I object and move to strike 17 Counsel's characterization of the document as lacking 18 foundation and lacking authentication.</p> <p>19 MR. BROOKS: I likewise object and join in that 20 motion.</p> <p>21 BY MR. ROBINSON: 22 Q. Do you recognize Exhibit 213? 23 MR. BROOKS: Objection, form. It's vague, 24 ambiguous. I also instruct the witness -- object and 25 instruct the witness not to answer pursuant to the Fifth</p>

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<p>1 Amendment of the United States Constitution, as well as state 2 law including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. David Daleiden's Email in which you were copied 13 addresses someone named Brianna. That's Brianna Allen -- 14 sorry -- that's the person who held herself out as Brianna 15 Allen at the NAF meeting in 2014, correct?</p> <p>16 MR. BROOKS: Objection, form, lacks foundation, 17 assumes facts not in evidence, question about a document that 18 the witness did not authenticate, and argumentative and 19 compound. Additionally, I object under and instruct the 20 witness not to answer pursuant to the Fifth Amendment to the 21 United States Constitution, as well as state law including 22 Article 1, Section 15 of the California Constitution and 23 Article 1, Section 23 of the North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. The Brianna referred to in the Email refers to 7 Brianna Baxter, that's her real name, correct?</p> <p>8 MR. BROOKS: Objection, form, lacks foundation, 9 assumes facts not in evidence, calls for speculation by the 10 witness. Again, this is about a document that has not been 11 authenticated. Also, I object under and instruct the witness 12 not to answer pursuant to the Fifth Amendment to the United 13 States Constitution, as well as state law including Article 14 1, Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 MR. MIHET: Also calls for speculation.</p> <p>17 MR. BROOKS: Yes, I join in that objection.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. In paragraph 2 of this Email David Daleiden</p>
<p style="text-align: center;">Page 184</p> <p>1 identifies a number of things that he states, "Things your 2 character should be familiar with." What is your 3 understanding of what Daleiden is referring to as your 4 character?</p> <p>5 MR. BROOKS: Objection, form, lacks foundation, 6 assumes facts not in evidence, calls for speculation by the 7 witness, and again this document has not been authenticated. 8 Also, I object under and instruct the witness not to answer 9 pursuant to the Fifth Amendment to the United States 10 Constitution as well as state law including Article 1, 11 Section 15 of the California Constitution and Article 1, 12 Section 23 of the North Carolina Constitution.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. In paragraph 4 of this Email David Daleiden writes, 21 "For an example of the altruistic justification for your 22 dirty work, see this presentation by Dr. Eileen Henderson of 23 UC Irvine on her neuro stem cell research. Do you see that?"</p> <p>24 MR. BROOKS: Objection to form. Also assumes 25 facts not in evidence, lacks foundation. Again, the document</p>	<p style="text-align: center;">Page 185</p> <p>1 has not been authenticated, given the characterization of the 2 document and the question. I also instruct the witness not 3 to answer pursuant to the Fifth Amendment to the United 4 States Constitution, as well as state law including Article 5 1, Section 15 of the California Constitution and Article 1, 6 Section 23 of the North Carolina Constitution, and object on 7 those bases.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. What is your understanding of what Daleiden meant by 16 the phrase, your dirty work in that sentence?</p> <p>17 MR. BROOKS: Objection to form, lacks 18 foundation, assumes facts not in evidence, calls for 19 speculation; and, again, this document has not been 20 authenticated by the witness. Also, I object under and 21 instruct the witness not to answer pursuant to the Fifth 22 Amendment to the United States Constitution, as well as state 23 law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution.</p>

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<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer. 7 BY MR. ROBINSON: 8 (Plaintiff's Exhibit Number 214 9 marked for identification) 10 Q. By the use of the word, justification for dirty 11 work, David Daleiden was acknowledging that CMP's 12 infiltration of NAF in 2014 was illegal, correct? 13 MR. BROOKS: Objection, form, lacks foundation, 14 assumes facts not in evidence. Again, this document has not 15 been authenticated, and calls for speculation by the witness, 16 as well as legal conclusion. I also -- also vague and 17 ambiguous. I object under and instruct the witness not to 18 answer pursuant to the Fifth Amendment of the United States 19 Constitution, as well as state law including Article 1, 20 Section 15 of the California Constitution and Article 1, 21 Section 23 of the North Carolina Constitution. 22 MR. MIHET: I object and move to strike 23 Counsel's gross mischaracterization of the document. 24 MR. BROOKS: I also add another objection, 25 it's argumentative, and I join in the motion to strike.</p>	<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer. 7 BY MR. ROBINSON: 8 Q. I'm handing you a copy of Plaintiff's Exhibit 214. 9 This is an Email from Annamarie Bettisworth to David Daleiden 10 dated August 22, 2013, Bates number CM00067. This is a true 11 and correct copy of an Email that you wrote to David 12 Daleiden, correct? 13 MR. BROOKS: Objection, form, and I also object 14 under and instruct the witness not to answer under the Fifth 15 Amendment to the United States Constitution as well as state 16 law including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution. 19 MR. MIHET: I'll object because the question 20 assumes facts not in evidence, lack of foundation, and is 21 premised on a document that has not been authenticated, and 22 misstates prior testimony. 23 MR. BROOKS: I'll join in all of those 24 objections to form as well. the preceding objections, 25 rather, by Mr. Mihet.</p>
<p style="text-align: center;">Page 188</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer. 7 BY MR. ROBINSON: 8 Q. In this Email you say, quote, as usual, absolutely 9 genius. What did you mean by that? 10 MR. BROOKS: Objection form, assumes facts not 11 in evidence, lacks foundation. The witness did not 12 authenticate the document, and I also object under and 13 instruct the witness not to answer pursuant to the Fifth 14 Amendment to the United States Constitution, as well as state 15 law including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution. 18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer. 24 BY MR. ROBINSON: 25 (Plaintiff's Exhibit Number 215</p>	<p style="text-align: center;">Page 189</p> <p>1 marked for identification) 2 Q. I'm handing you a copy of Plaintiff's Exhibit 215. 3 Plaintiff's Exhibit 215 is a true and correct copy of your 4 California driver's license, correct? 5 MR. BROOKS: Objection to form -- objection, 6 form, vague and ambiguous as to the meaning of -- the 7 question's vague and ambiguous. Also, I instruct the witness 8 not to answer pursuant to the Fifth Amendment to the United 9 States Constitution, as well as state law including Article 10 1, Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution, and I object 12 on those bases. 13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer. 19 MR. MIHET: Counsel, also for the record, I 20 don't see a Bate stamp on the document. Is there one? 21 MR. ROBINSON: This was a CMP produced 22 document. The Bates is very hard to read but it's CM14. 23 This is a CMP produced document. It looks to me like the 24 Bates number is CM14 or 04. 25 MR. BROOKS: Looks like it's 04. CM5004, I</p>

<p style="text-align: center;">Page 190</p> <p>1 think.</p> <p>2 MR. ROBINSON: It's either 14 or 04.</p> <p>3 MR. BROOKS: Looks like it's 04.</p> <p>4 MR. ROBINSON: You have better eyes than I do.</p> <p>5 Yeah, sorry. CM05004.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. That's you depicted on the image of this California</p> <p>8 driver's license, correct?</p> <p>9 MR. BROOKS: Objection. I instruct the witness</p> <p>10 not to answer on the grounds of -- pursuant to the Fifth</p> <p>11 Amendment to the United States Constitution as well as state</p> <p>12 law including Article 1, Section 15 of the California</p> <p>13 Constitution and Article 1, Section 23 of the North Carolina</p> <p>14 Constitution. Also, as to form objections, it assumes facts</p> <p>15 not in evidence, and lacks foundation, and lacks</p> <p>16 authentication from the witness.</p> <p>17 A. I am asserting my rights under the Fifth Amendment</p> <p>18 to the United States Constitution as well as state law</p> <p>19 including Article 1, Section 15 of the California</p> <p>20 Constitution and Article 1, Section 23 of the North Carolina</p> <p>21 Constitution and therefore I respectfully decline to</p> <p>22 answer.</p> <p>23 BY MR. ROBINSON:</p> <p>24 Q. The name on the California drivers license is</p> <p>25 Annamarie Gates Bettisworth. Again, that's you, correct?</p>	<p style="text-align: center;">Page 191</p> <p>1 MR. BROOKS: Objection to form, assumes facts</p> <p>2 not in evidence, lacks foundation, lacks authentication, it's</p> <p>3 a compound question; and again, I object under and instruct</p> <p>4 the witness not to answer pursuant to the Fifth Amendment to</p> <p>5 the United States Constitution, as well as state law</p> <p>6 including Article 1, Section 15 of the California</p> <p>7 Constitution and Article 1, Section 23 of the North Carolina</p> <p>8 Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment</p> <p>10 to the United States Constitution as well as state law</p> <p>11 including Article 1, Section 15 of the California</p> <p>12 Constitution and Article 1, Section 23 of the North Carolina</p> <p>13 Constitution and therefore I respectfully decline to</p> <p>14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. Are you aware that NAF required valid identification</p> <p>17 in order to get into NAF's annual meetings?</p> <p>18 MR. BROOKS: Objection, form, lacks foundation,</p> <p>19 assumes facts not in evidence. Again, also vague and</p> <p>20 ambiguous; and I object under and instruct the witness not to</p> <p>21 answer pursuant to the Fifth Amendment of the United States</p> <p>22 Constitution as well as state law including Article 1,</p> <p>23 Section 15 of the California Constitution and Article 1,</p> <p>24 Section 23 of the North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>
<p style="text-align: center;">Page 192</p> <p>1 to the United States Constitution as well as state law</p> <p>2 including Article 1, Section 15 of the California</p> <p>3 Constitution and Article 1, Section 23 of the North Carolina</p> <p>4 Constitution and therefore I respectfully decline to</p> <p>5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Are you aware that David Daleiden created a fake</p> <p>8 California driver's license in order to get access to NAF's</p> <p>9 annual meeting in 2014 using the name Robert Sarkis?</p> <p>10 MR. BROOKS: Objection, form, assumes facts not</p> <p>11 in evidence, lacks foundation, also is a compound question</p> <p>12 and argumentative. Additionally, I object under and instruct</p> <p>13 the witness not to answer pursuant to the Fifth Amendment to</p> <p>14 the United States Constitution, as well as state law</p> <p>15 including Article 1, Section 15 of the California</p> <p>16 Constitution and Article 1, Section 23 of the North Carolina</p> <p>17 Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment</p> <p>19 to the United States Constitution as well as state law</p> <p>20 including Article 1, Section 15 of the California</p> <p>21 Constitution and Article 1, Section 23 of the North Carolina</p> <p>22 Constitution and therefore I respectfully decline to</p> <p>23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Are you aware that Sandra Merritt created a fake</p>	<p style="text-align: center;">Page 193</p> <p>1 California driver's license in order to get access to NAF's</p> <p>2 annual meeting using the name Susan Tennenbaum?</p> <p>3 MR. BROOKS: Objection, form, lacks foundation,</p> <p>4 calls for speculation by the witness, and is argumentative</p> <p>5 and compound. I object under and instruct the witness not to</p> <p>6 answer pursuant to the Fifth Amendment to the United States</p> <p>7 Constitution, as well as state law including Article 1,</p> <p>8 Section 15 of the California Constitution and Article 1,</p> <p>9 Section 23 of the North Carolina Constitution.</p> <p>10 MR. MIHET: I also join those objections and</p> <p>11 additionally move to strike Counsel's mischaracterization of</p> <p>12 the evidence on the basis that Counsel has no reasonable</p> <p>13 basis to allege that Susan Merritt created a fake driver's</p> <p>14 license.</p> <p>15 A. I am asserting my rights under the Fifth Amendment</p> <p>16 to the United States Constitution as well as state law</p> <p>17 including Article 1, Section 15 of the California</p> <p>18 Constitution and Article 1, Section 23 of the North Carolina</p> <p>19 Constitution and therefore I respectfully decline to</p> <p>20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. How did David Daleiden procure a fake ID used to</p> <p>23 access NAF's annual meetings?</p> <p>24 MR. BROOKS: Objection to form, assumes facts</p> <p>25 not in evidence, lacks foundation, calls for speculation by</p>

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<p>1 the witness, and is again, effectively a compound question. 2 I also object under and instruct the witness not to answer 3 pursuant to the Fifth Amendment to the United States 4 Constitution, as well as state law including Article 1, 5 Section 15 of the California Constitution and Article 1, 6 Section 23 of the North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. Who else procured a fake ID in connection with CMP's 15 infiltration of NAF's annual meetings?</p> <p>16 MR. BROOKS: Objection, form, assumes facts not 17 in evidence, lacks foundation, is argumentative, harassing 18 and given the prior answer -- well, harassing given the prior 19 answers. Also I -- and calls for speculation by the witness. 20 I also object under and instruct the witness not to answer 21 pursuant to the Fifth Amendment to the United States 22 Constitution as well as state law including Article 1, 23 Section 15 of the California Constitution and Article 1, 24 Section 23 of the North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Did you get a fake ID in connection with CMP's 8 infiltration of NAF's annual meetings?</p> <p>9 MR. BROOKS: Objection, lacks foundation, 10 assumes facts not in evidence. Additionally, I object under 11 and instruct the witness not to answer pursuant to the Fifth 12 Amendment to the United States Constitution, as well as state 13 law including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Looking back at Exhibit 215, the California driver's 24 license for Annamarie Gates Bettisworth, you didn't show 25 anyone at NAF that license, correct?</p>
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<p>1 MR. BROOKS: Objection, form, assumes facts not 2 in evidence, lacks foundation, also asks about a document 3 that has not been authenticated, and is a compound question 4 as a result. Additionally, I object under and instruct the 5 witness not to answer pursuant to the Fifth Amendment to the 6 United States Constitution, as well as state law including 7 Article 1, Section 15 of the California Constitution and 8 Article 1, Section 23 of the North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. ROBINSON:</p> <p>16 Q. Why don't we take a break at this time.</p> <p>17 THE VIDEOGRAPHER: We're going off record. The 18 time is 3:28 p.m.</p> <p>19 (CONVERSATION HELD OFF THE RECORD)</p> <p>20 THE VIDEOGRAPHER: We're going back on record. 21 The time is 3:29 p.m.</p> <p>22 Q. At the time of CMP's infiltration of NAF's annual 23 meetings were you aware that NAF prohibited video and audio 24 recording of those meetings?</p> <p>25 MR. BROOKS: Objection, form, assumes facts not</p>	<p>1 in evidence, lacks foundation, compound question, and is 2 argumentative. Also, I object under and instruct the witness 3 not to answer pursuant to the Fifth Amendment to the United 4 States Constitution, as well as state law including Article 5 1, Section 15 of the California Constitution and Article 1, 6 Section 23 of the North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. CMP purchased hidden cameras in order to hide on the 15 actors who infiltrated NAF's annual meetings in 2014 and 16 2015, correct?</p> <p>17 MR. BROOKS: Objection, form, lacks foundation, 18 assumes facts not in evidence, compound and argumentative and 19 harassing in light of prior answers. Additionally, I object 20 to and instruct the witness not -- or object under and 21 instruct the witness not to answer pursuant to the Fifth 22 Amendment to the United States Constitution, as well as state 23 law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution. Also calls for speculation by the witness.</p>

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<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Did you attend the NAF annual meeting in 2014?</p> <p>9 MR. BROOKS: Objection, vague and ambiguous. 10 Also assumes facts not in evidence and lacks foundation. 11 Additionally, I object under and instruct the witness not to 12 answer pursuant to the Fifth Amendment to the United States 13 Constitution, as well as state law including Article 1, 14 Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Did you attend NAF's annual meeting in 2015?</p> <p>24 MR. BROOKS: Objection, form, assumes facts not 25 in evidence, lacks foundation and is vague. Additionally, I</p>	<p>1 object under and instruct the witness not to answer pursuant 2 to the Fifth Amendment to the United States Constitution, as 3 well as state law including Article 1, Section 15 of the 4 California Constitution and Article 1, Section 23 of the 5 North Carolina Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. You attended the NAF annual meeting in 2015 under 14 the assumed named Rebecca Wagner, correct?</p> <p>15 MR. BROOKS: Objection, foundation -- 16 objection, form, lacks foundation, assumes facts not in 17 evidence, is vague. I also object under -- or object 18 pursuant to and instruct the witness not to answer pursuant 19 to the Fifth Amendment to the United States Constitution, as 20 well as state law including Article 1, Section 15 of the 21 California Constitution and Article 1, Section 23 of the 22 North Carolina Constitution.</p> <p>23 A. I'm asserting my rights under the Fifth Amendment to 24 the United States Constitution as well as state law including 25 Article 1, Section 15 of the California Constitution and</p>
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<p>1 Article 1, Section 23 of the North Carolina Constitution and 2 therefore I respectfully decline to answer.</p> <p>3 BY MR. ROBINSON: 4 (Plaintiff's Exhibit Number 216 5 marked for identification)</p> <p>6 Q. I'm handing you a copy of Plaintiff's Exhibit 216. 7 Do you recognize those three photos?</p> <p>8 MR. BROOKS: Objection, vague and ambiguous. 9 Also, I object under and instruct the witness not to answer 10 pursuant to the Fifth Amendment to the United States 11 Constitution, as well as state law including Article 1, 12 Section 15 of the California Constitution and Article 1, 13 Section 23 of the North Carolina Constitution.</p> <p>14 MR. ZIMMERMAN: Were those also CMP produced 15 documents?</p> <p>16 MR. ROBINSON: Yes, in the sense they're taken 17 from a CMP video.</p> <p>18 MR. ZIMMERMAN: Gotcha. So these don't have 19 individual Bates numbers, but it's from produced materials?</p> <p>20 MR. ROBINSON: Correct.</p> <p>21 MR. MIHET: Did you have a copy for me on that 22 one?</p> <p>23 MR. ROBINSON: I have this one I can hand to 24 you now you can look at but I want it back.</p> <p>25 BY MR. ROBINSON:</p>	<p>1 Q. Looking at that first photo on the first page, 2 that's a picture of you wearing a NAF badge made out to 3 Rebecca Wagner, correct?</p> <p>4 MR. BROOKS: Objection, form, that's a compound 5 question. Additionally, I object -- also, this -- we don't 6 have authentication for this document, but furthermore I 7 object under and instruct the witness not to answer pursuant 8 to the Fifth Amendment to the United States Constitution, as 9 well as state law including Article 1, Section 15 of the 10 California Constitution and Article 1, Section 23 of the 11 North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. Looking at Plaintiff's Exhibit 216, page 1, that's 20 you, right?</p> <p>21 MR. BROOKS: Objection, form. We have a lack 22 of authentication, but also, I object under and instruct the 23 witness not to answer pursuant to the Fifth Amendment to the 24 United States Constitution, as well as state law including 25 Article 1, Section 15 of the California Constitution and</p>

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<p>1 Article 1, Section 23 of the North Carolina Constitution. 2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. In this photograph you have a hidden camera 10 somewhere on your person, correct?</p> <p>11 MR. BROOKS: Objection, form, assumes facts not 12 in evidence, lacks foundation; and this document, again, has 13 not been authenticated. Therefore -- additionally, I object 14 under and instruct the witness not to answer pursuant to the 15 Fifth Amendment to the United States Constitution, as well as 16 state law including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p>1 Q. Looking at Plaintiff's Exhibit 216, page 2, this 2 depicts you receiving a NAF ID badge under the assumed name 3 Rebecca Wagner, correct?</p> <p>4 MR. BROOKS: Objection, form, assumes facts not 5 in evidence and lacks foundation. Again, the document's not 6 been authenticated. Additionally, I object under and 7 instruct the witness not to answer pursuant to the Fifth 8 Amendment of the United States Constitution, as well as state 9 law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. You had a hidden camera on your person at the time, 20 right?</p> <p>21 MR. BROOKS: Objection to form, lacks 22 foundation, assumes facts not in evidence; and again, there's 23 a lack of foundation about the document being referenced. 24 Also, I object under and instruct the witness not to answer 25 pursuant to the Fifth Amendment to the United States</p>
<p style="text-align: center;">Page 204</p> <p>1 Constitution as well as state law including Article 1, 2 Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. The camera equipment hidden on your person also 12 recorded audio, correct?</p> <p>13 MR. BROOKS: Objection, form, assumes facts not 14 in evidence, and lacks foundation. Then, again, there's a 15 lack of foundation as to the document being referenced. I 16 also object under and instruct the witness not to answer 17 pursuant to the Fifth Amendment to the United States 18 Constitution as well, as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>	<p style="text-align: center;">Page 205</p> <p>1 answer.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. Plaintiff's Exhibit 216, page 3, that's you, 4 right?</p> <p>5 MR. BROOKS: Objection, form, vague and lacks 6 authentication of this document. Also, I object pursuant to 7 and instruct the witness not to answer pursuant to the Fifth 8 Amendment to the United States Constitution, as well as state 9 law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. You're wearing a NAF ID badge in the picture made 20 out to assumed name Rebecca Wagner, correct?</p> <p>21 MR. BROOKS: Objection to form, assumes facts 22 not in evidence, lacks foundation. Again we lack 23 authentication to this document. Additionally, I object 24 pursuant to and instruct the witness to not answer pursuant 25 to the Fifth Amendment to the United States Constitution as</p>

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<p>1 well as state law including Article 1, Section 15 of the 2 California Constitution and Article 1, Section 23 of the 3 North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. There's a hidden camera in the water bottle you are 12 holding in the photograph, correct?</p> <p>13 MR. BROOKS: Objection, form, assumes facts not 14 in evidence, lacks foundation; and again, lack of 15 authentication. Also, I object under and instruct the 16 witness not to answer pursuant to the Fifth Amendment to the 17 United States Constitution, as well as state law including 18 Article 1, Section 15 of the California Constitution and 19 Article 1, Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>	<p>1 BY MR. ROBINSON: 2 Q. Let's take a break. 3 THE VIDEOGRAPHER: Going off record. The time 4 is 3:43 p.m.. This is the end of DVD Number 3. 5 (RECESS TAKEN) 6 THE VIDEOGRAPHER: We're going back on record. 7 The time is 4:06 p.m.. This is the beginning of DVD Number 8 4. 9 (PAUSE) 10 (Plaintiff's Exhibit Number 217 11 marked for identification) 12 Q. I'm handing you a copy of Plaintiff's Exhibit 217. 13 Do you recognize Exhibit 217? 14 MR. BROOKS: Objection, form, and lack of 15 authentication, but also I object under and direct the 16 witness not to answer pursuant to the Fifth Amendment to the 17 United States Constitution, as well as state law including 18 Article 1, Section 15 of the California Constitution and 19 Article 1, Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 208</p> <p>1 BY MR. ROBINSON: 2 Q. Plaintiff's Exhibit 217 is a NAF annual meeting 3 registration form with certain content filled in. Did you 4 contribute to any of content filled in this form? 5 MR. BROOKS: Objection, form, assumes facts not 6 in evidence, lacks foundation and lacks authentication. 7 Additionally, I object and instruct the witness not to answer 8 pursuant to the Fifth Amendment to the United States 9 Constitution, as well as State Law, Article 1, section 15 of 10 the California Constitution and Article 1, Section 23 of the 11 North Carolina Constitution. 12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer. 18 BY MR. ROBINSON: 19 Q. The NAF annual meeting registration form contains 20 credit card information for Bio Max Procurement Services. 21 Who is the owner of that card? 22 MR. BROOKS: Objection, form, lacks 23 foundation, assumes facts not in evidence, lack of 24 authentication of this document, and also given the preface, I 25 this is effectively a compound question. Additionally, I</p>	<p style="text-align: center;">Page 209</p> <p>1 object and assert -- or object and direct the witness not to 2 answer pursuant to the Fifth Amendment to the United States 3 Constitution as well as state law including Article 1, 4 Section 15 of the California Constitution and Article 1, 5 Section 23 of the North Carolina Constitution. 6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer. 12 BY MR. ROBINSON: 13 Q. Whose signature appears above the line, signature of 14 card holder? 15 MR. BROOKS: Objection to form, lack of 16 foundation, assumes facts not in evidence, and the document 17 has not been authenticated. Additionally, I object and 18 instruct the witness not to answer pursuant to the Fifth 19 Amendment to the United States Constitution, as well as state 20 law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution. 23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>

<p style="text-align: center;">Page 210</p> <p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. ROBINSON:</p> <p>5 Q. Do you recognize any of the handwriting on the NAF 6 Annual Meeting Registration Form?</p> <p>7 MR. BROOKS: Objection, form, assumes facts 8 not in evidence, lacks foundation, lacks authentication, 9 document lacks authentication, and calls for speculation from 10 the witness. Additionally, I object and instruct the witness 11 not to answer pursuant to the Fifth Amendment to the United 12 States Constitution, as well as state law including Article 13 1, Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. David Daleiden filled out the information on behalf 23 of Bio Max that went into the NAF Annual Meeting Registration 24 Form, correct?</p> <p>25 MR. BROOKS: Objection, form, assumes facts not</p>	<p style="text-align: center;">Page 211</p> <p>1 in evidence, lacks foundation, and again this document has 2 not been authenticated; and also I object and instruct the 3 witness not to answer pursuant to the Fifth Amendment to the 4 United States Constitution, as well as state law including 5 Article 1, Section 15 of the California Constitution and 6 Article 1, Section 23 of the North Carolina Constitution. 7 Also, it calls for speculation from the 8 witness and I would move to strike Counsel's characterization 9 of the document, again on the lack of authentication. 10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Page 3 of this document contains -- it's a little 18 hard to read, but it contains the exhibitor agreement 19 attached to the NAF Annual Meeting Registration Form. Do you 20 see that?</p> <p>21 MR. BROOKS: Objection, form, lacks foundation, 22 assumes facts not in evidence. Again, this document has not 23 been authenticated; and additionally, I think, based on the 24 form of this document there was a lot of speculation as to 25 what it is. So additionally, I object and assert or instruct</p>
<p style="text-align: center;">Page 212</p> <p>1 the witness to not answer pursuant to the Fifth Amendment to 2 the United States Constitution, as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution. 6 Again, move to strike Counsel's 7 characterization of the document. 8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. This page sets forth the terms of the Exhibitor 16 Agreement that Bio Max agreed to uphold when it applied to be 17 an Exhibitor at NAF's annual meeting, correct?</p> <p>18 MR. BROOKS: Objection, form, lacks foundation, 19 assumes facts not in evidence. The document has not been 20 authenticated, requires speculation from the witness; and 21 again, I object to the -- to the illegibility of the 22 document. I also object and instruct the witness not to 23 answer pursuant to the Fifth Amendment to the United States 24 Constitution, as well as state law including Article 1, 25 Section 15 of the California Constitution and Article 1,</p>	<p style="text-align: center;">Page 213</p> <p>1 Section 23 of the North Carolina Constitution. 2 Also move to strike the Counsel's 3 characterization of the document. 4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. Above the signature line it reads, I agree to comply 12 with Exhibitor rules and regulations 1 through 20. I also 13 agree to hold in trust and confidence any confidential 14 information received in the course of exhibiting at the NAF 15 annual meeting, and agree not to reproduce or disclose 16 confidential information without express permission from NAF. 17 Violation of this paragraph could result in civil and/or 18 criminal penalties. Do you see that?</p> <p>19 MR. BROOKS: Objection to the form of the 20 question, because it contains a preface that lacks 21 foundation, assumes facts not in evidence, and has not been 22 authenticated; and also object to the extent this requires 23 speculation from this witness. I also object and instruct 24 the witness not to answer pursuant to the Fifth Amendment to 25 the United States Constitution as well as state law including</p>

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<p>1 Article 1, Section 15 of the California Constitution and 2 Article 1, Section 23 of the North Carolina Constitution. 3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 MR. ZIMMERMAN: Can I just confirm this 10 doesn't have any Bate stamping on? It's possible it was --</p> <p>11 MR. ROBINSON: No, I don't think it does.</p> <p>12 MR. ZIMMERMAN: Because I don't know -- I 13 mean, I've personally seen parts of these documents before, 14 but I don't think that it has been produced before.</p> <p>15 MR. KAMRAS: You can find it as an exhibit at 16 some point.</p> <p>17 MR. ZIMMERMAN: It looked sort of familiar but 18 I was, like, I don't --</p> <p>19 MR. ROBINSON: We can produce a copy for you.</p> <p>20 MR. ZIMMERMAN: I just wanted to identify, 21 like, either that this -- yeah, where this came from, or if 22 it needs Bate stamp and doesn't, that's all. Sorry. Go 23 ahead.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. You were aware of this confidentiality provision</p>	<p>1 before you infiltrated NAF's annual meeting in 2015, 2 correct?</p> <p>3 MR. BROOKS: Objection, form, lacks foundation, 4 assumes facts not in evidence. Again, this document lacks 5 authentication. The question is also argumentative and 6 harassing, calls for speculation. I also object and instruct 7 the witness not to answer pursuant to the Fifth Amendment to 8 the United States Constitution, as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. You had no intention to honor the confidentiality 20 clause or the NAF Exhibitor Agreement when you infiltrated 21 NAF's annual meeting in 2015, correct?</p> <p>22 MR. BROOKS: Objection, form, lacks foundation, 23 assumes facts not in evidence, again references a document 24 that has not been authenticated. It's also a compound 25 question and calls -- well, compound question. Additionally,</p>
<p style="text-align: center;">Page 216</p> <p>1 I object and instruct the witness not to answer pursuant to 2 the Fifth Amendment to the United States Constitution, as 3 well as state law including Article 1, Section 15 of the 4 California Constitution and Article 1, Section 23 of the 5 North Carolina Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. ROBINSON:</p> <p>13 Q. To the best of your knowledge, none of Bio Max 14 agents who infiltrated NAF's annual meetings intended to 15 honor the confidentiality clause of NAF's Exhibitor Agreement 16 at that time, correct?</p> <p>17 MR. BROOKS: Objection, vague, ambiguous, calls 18 for speculation, lacks foundation, asserts facts not in 19 evidence, and asked questions about a document that's not 20 been authenticated. Additionally, I object under and 21 instruct the witness not to answer pursuant to the Fifth 22 Amendment to the United States Constitution, as well as state 23 law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution.</p>	<p style="text-align: center;">Page 217</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Did you sign a nondisclosure agreement with NAF in 9 connection with your infiltration of NAF's annual meeting in 10 2015?</p> <p>11 MR. BROOKS: Objection to form, assumes facts 12 not in evidence, lacks foundation, vague and ambiguous as to 13 whether it's referencing the document before us. 14 Additionally, I object under and instruct the witness not to 15 answer pursuant to the Fifth Amendment to the United States 16 Constitution, as well as state law including Article 1, 17 Section 15 of the California Constitution and Article 1, 18 Section 23 of the North Carolina Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>

<p style="text-align: center;">Page 218</p> <p>1 Q. Did you sign an agreement with NAF in 2015 2 prohibiting video and audio recording at NAF's annual 3 meeting?</p> <p>4 MR. BROOKS: Objection, form, lacks foundation, 5 assumes facts not in evidence, and is vague and ambiguous. 6 Additionally, I object and instruct the witness not to answer 7 pursuant to the Fifth Amendment to the United States 8 Constitution, as well as state law including Article 1, 9 Section 15 of the California Constitution and Article 1, 10 Section 23 of the North Carolina Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. When you infiltrated NAF's annual meeting in 2015, 19 you had no intention of honoring any nondisclosure agreement 20 prohibiting video and audio recording of those meetings, 21 correct?</p> <p>22 MR. BROOKS: Objection, form, lacks foundation, 23 assumes facts not in evidence, argumentative and harassing. 24 Additionally, I object pursuant to and instruct the witness 25 to not answer pursuant to the Fifth Amendment to the United</p>	<p style="text-align: center;">Page 219</p> <p>1 States Constitution, as well as state law including Article 2 1, Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. You knew that you needed a NAF ID badge in order to 12 access NAF's annual meeting in 2015, correct?</p> <p>13 MR. BROOKS: Objection, form, lacks foundation, 14 assumes facts not in evidence, and it is argumentative; and 15 additionally, I object under and instruct the witness not to 16 answer pursuant to the Fifth Amendment to the United States 17 Constitution, as well as state law including Article 1, 18 Section 15 of the California Constitution and Article 1, 19 Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 220</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. You received a NAF identification badge under the 3 assumed name of Rebecca Wagner through fraud and false 4 pretenses, right?</p> <p>5 MR. BROOKS: Objection to form, assumes facts 6 not in evidence, lacks foundation, is argumentative and 7 harassing. Additionally, I object under and instruct the 8 witness not to answer pursuant to the Fifth Amendment to the 9 United States Constitution, as well as state law including 10 Article 1, Section 15 of the California Constitution and 11 Article 1, Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. You brought hidden video and audio recording 20 equipment with you into NAF's annual meeting in 2015, 21 correct?</p> <p>22 MR. BROOKS: Objection, form, lack of 23 foundation, assumes facts not in evidence. Additionally, I 24 object and instruct the witness not to answer pursuant to the 25 Fifth Amendment to the United States Constitution, as well as</p>	<p style="text-align: center;">Page 221</p> <p>1 state law including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q. Once inside you recorded everything you saw and 12 everyone you talked to indiscriminately, correct?</p> <p>13 MR. BROOKS: Objection, form, assumes facts not 14 in evidence, lacks foundation, is argumentative; and 15 additionally, I object under and instruct the witness not to 16 answer pursuant to the Fifth Amendment to the United States 17 Constitution as well as state law including Article 1, 18 Section 15 of the California Constitution and Article 1, 19 Section 23 of the North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>

<p style="text-align: center;">Page 222</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. You kept your hidden video and audio equipment 3 running all the time during your attendance at the 2015 NAF 4 annual meeting, correct?</p> <p>5 MR. BROOKS: Objection, form, lacks 6 foundation, assumes facts not in evidence. Additionally, I 7 object and instruct the witness not to answer pursuant to the 8 Fifth Amendment to the United States Constitution, as well as 9 state law including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution. Also, I think the question is vague and 12 ambiguous.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. You taped all NAF conference presentations you 21 attended, correct?</p> <p>22 MR. BROOKS: Objection, form, assumes facts not 23 in evidence, lacks foundation, and is vague and ambiguous. 24 Additionally I object under and instruct the witness under 25 the -- and pursuant to the Fifth Amendment I instruct the</p>	<p style="text-align: center;">Page 223</p> <p>1 witness -- strike that. Let's start that again. Under the 2 Fifth Amendment to the United States Constitution instruct 3 the witness not to answer and also instruct the witness not 4 to answer pursuant to Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. You taped your individual conversations with 15 everyone you met at NAF's annual meeting in 2015, correct?</p> <p>16 MR. BROOKS: Objection, form, lack of 17 foundation, assumes facts not in evidence, vague and 18 ambiguous. Additionally, I object under and pursuant to -- 19 or instruct the witness not to answer pursuant to the Fifth 20 Amendment to the United States Constitution, as well as state 21 law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>
<p style="text-align: center;">Page 224</p> <p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. You didn't tell any of NAF meeting attendees you 7 surreptitiously recorded that you were filming them and 8 recording them, correct?</p> <p>9 MR. BROOKS: Objection, form, lacks foundation, 10 assumes facts not in evidence, compound question, and 11 argumentative. Additionally, I object under and instruct the 12 witness not to answer pursuant to the Fifth Amendment to the 13 United States Constitution, as well as state law including 14 Article 1, Section 15 of the California Constitution and 15 Article 1, Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. You were aware at the time that antiwire tapping 24 laws made it illegal to surreptitiously record a conversation 25 with another person without their consent, right?</p>	<p style="text-align: center;">Page 225</p> <p>1 MR. BROOKS: Objection, form, lacks foundation, 2 assumes facts not in evidence, calls for a legal conclusion, 3 and is argumentative and harassing. Additionally I -- 4 additionally, I object under and instruct the witness not to 5 answer pursuant to the Fifth Amendment to the United States 6 Constitution, as well as state law including Article 1, 7 Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution.</p> <p>9 MR. MIHET: Also object, calls for a legal 10 conclusion, and because it misstates the law.</p> <p>11 MR. BROOKS: I join that objection.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. ROBINSON:</p> <p>19 Q. At the time CMP had lawyers advising them about the 20 legality or illegality of their campaign to gather covert 21 video at NAF's annual meetings, correct?</p> <p>22 MR. BROOKS: Objection, form, assumes facts not 23 in evidence, lacks foundation, calls for speculation by the 24 witness and is a compound question. Also, I object under and 25 instruct the witness not to answer pursuant to the Fifth</p>

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<p>1 Amendment to the United States Constitution, as well as state 2 law including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. ROBINSON:</p> <p>12 Q. Daleiden provided you with guidance on the kinds of 13 things he wanted you to discuss with NAF meeting attendees at 14 the 2015 NAF conference, correct?</p> <p>15 MR. BROOKS: Objection, form, assumes facts not 16 in evidence, lacks foundation, is vague. Additionally, I 17 object under and instruct the witness not to answer pursuant 18 to the Fifth Amendment to the United States Constitution, as 19 well as state law including Article 1, Section 15 of the 20 California Constitution and Article 1, Section 23 of the 21 North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. Did you take any confidential documents, thumb 5 drives or other physical materials with you that had been 6 provided by NAF under confidence at the 2015 annual 7 meeting?</p> <p>8 MR. BROOKS: Objection, form, lacks foundation, 9 assumes facts not in evidence, is vague and ambiguous. 10 Additionally, I object under and instruct the witness not to 11 answer pursuant to the Fifth Amendment to the United States 12 Constitution, as well as state law including Article 1, 13 Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. Bio Max agents took thumb drives containing 23 confidential materials provided by NAF at the 2015 annual 24 meeting, correct?</p> <p>25 MR. BROOKS: Objection, form, vague, ambiguous,</p>
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<p>1 lacks foundation, assumes facts not in evidence, calls for 2 speculation. Additionally, I object under and instruct the 3 witness not to answer pursuant to the Fifth Amendment to the 4 United States Constitution as well as state law including 5 Article 1, Section 15 of the California Constitution and 6 Article 1, Section 23 of the North Carolina Constitution.</p> <p>7 MR. MIHET: I also object because the witness 8 is here in individual capacity not as a corporate 9 representative of Bio Max.</p> <p>10 MR. BROOKS: I'll join in that objection.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 (Plaintiff's Exhibit Number 218 19 marked for identification)</p> <p>20 Q. Handing you a copy of Plaintiff's Exhibit 218, this 21 is an Email from David Daleiden to Anna Bettsworth sent 22 March 29, 2015, subject, super confidential. Bates number 23 CM04986 through 92. (PAUSE) Is Plaintiff's Exhibit 218 a 24 true and correct copy of Email David Daleiden sent to you on 25 March 29, 2015?</p>	<p>1 MR. BROOKS: Objection, form. The preamble to 2 the question lacked foundation, assumes facts not in 3 evidence, and there's -- does not -- additional -- therefore, 4 I would object on those grounds. Additionally, I object 5 under and instruct the witness not to answer pursuant to the 6 Fifth Amendment to the United States Constitution, as well as 7 state law including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. ROBINSON:</p> <p>17 Q. Do you recognize the attachment to this Email 18 entitled Confidential Road Map For Project Release in June 19 2015?</p> <p>20 MR. BROOKS: Objection, form, vague. 21 Additionally, I object under and instruct the witness not to 22 answer pursuant to the Fifth Amendment to the United States 23 Constitution, as well as state law including Article 1, 24 Section 15 of the California Constitution and Article 1, 25 Section 23 of the North Carolina Constitution.</p>

<p style="text-align: center;">Page 230</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. In the abstract section of this document it states, 9 the Center For Medical Progress has spent nearly 2-1/2 years 10 carrying out a long term investigative research project 11 documenting Planned Parenthood's illegal sale of aborted baby 12 parts. CMP believes that the undercover video, documentary 13 paper trail and key witness testimony gathered in this 14 project can significantly damage Planned Parenthood's 15 abortion business through multiple legal processes, 16 penalties, intraorganizational turmoil and unwinnable 17 negative branding. Do you see that?</p> <p>18 A. I see the section you're referring to.</p> <p>19 Q. Do you agree with that statement?</p> <p>20 MR. BROOKS: Objection, form, vague, ambiguous. 21 Additionally, I object and instruct the witness not to answer 22 pursuant to the Fifth Amendment to the United States 23 Constitution, as well as state law including Article 1, 24 Section 15 of the California Constitution and Article 1, 25 Section 23 of the North Carolina Constitution.</p>	<p style="text-align: center;">Page 231</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. This document relates to the timing of when CMP 9 should release the video that it covertly gathered during its 10 project, correct?</p> <p>11 MR. BROOKS: Objection, form, mischaracterizes 12 the document which speaks for itself, assumes facts not in 13 evidence, and lacks foundation. Additionally, this document 14 has not been authenticated. Additionally, I object under and 15 instruct the witness not to answer pursuant to the Fifth 16 Amendment to the United States Constitution, as well as state 17 law including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>
<p style="text-align: center;">Page 232</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q. One of the factors that CMP considered when deciding 3 whether to release the video it had covertly gathered was the 4 timing of the presidential election season, correct?</p> <p>5 MR. BROOKS: Objection, form, assumes facts not 6 in evidence, lacks foundation, appears to ask a question 7 about a document that's not been authenticated. 8 Additionally, I object under and instruct the witness not to 9 answer pursuant to the Fifth Amendment to the United States 10 Constitution, as well as state law including Article 1, 11 Section 15 of the California Constitution and Article 1, 12 Section 23 of the North Carolina Constitution.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. ROBINSON:</p> <p>20 Q. On page 4 of 6 of this document, CM04990, there is a 21 reference to focus group sessions to be developed. I'll read 22 a portion of that document just to orient you as to the page. 23 On page 4 of 6 of the Road Map For Project Release, the 24 document states, "CMP believes these two focus group sessions 25 will be very helpful to develop and then test messaging and</p>	<p style="text-align: center;">Page 233</p> <p>1 would trust Kelly Ann Conway Polling Company, Inc. to do 2 this." Do you see this?</p> <p>3 A. I see the section you just read.</p> <p>4 Q. What focus groups are being discussed here?</p> <p>5 MR. BROOKS: Objection, form, lack of 6 foundation, assumes facts not in evidence. It calls for 7 speculation by the witness; and again, the document has not 8 been authenticated. Additionally, I object under and 9 instruct the witness not to answer pursuant to the Fifth 10 Amendment to the United States Constitution, as well as state 11 law including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. ROBINSON:</p> <p>21 Q. Did Kelly Ann Conway's Polling Company conduct focus 22 group sessions to advise CMP on the public release of video 23 that CMP gathered?</p> <p>24 MR. BROOKS: Objection, form, lack of 25 foundation, assumes facts not in evidence, calls for</p>

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<p>1 speculation from the witness. Additionally, the question is 2 based on a document that has not been authenticated. I also 3 object under and instruct the witness not to answer pursuant 4 to the Fifth Amendment to the United States Constitution, as 5 well as state law including Article 1, Section 15 of the 6 California Constitution and Article 1, Section 23 of the 7 North Carolina Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. On pages 4 and 5 of this same document there are 16 references to collaborating with Congressional hearings and 17 investigations. Do you see that?</p> <p>18 MR. BROOKS: Objection, form of that question, 19 which mischaracterizes the document that speaks for itself. 20 And also given the form of that question I will object and 21 instruct the witness not to answer pursuant to the Fifth 22 Amendment to the United States Constitution, as well as state 23 law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution, again, because of the form of that question.</p>	<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Did you collaborate that any Congressional committee 9 or subcommittee in connection with your work for CMP?</p> <p>10 MR. BROOKS: Objection, form, lack of 11 foundation, assumes facts not in evidence, question based on 12 a document that's not been authenticated. Additionally, I 13 object under and instruct the witness not to answer pursuant 14 to the Fifth Amendment to the United States Constitution, as 15 well as state law including Article 1, Section 15 of the 16 California Constitution and Article 1, Section 23 of the 17 North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Do you know of a person named Charles Johnson of</p>
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<p>1 Gotnews.Com?</p> <p>2 MR. BROOKS: Objection, form. Additionally, I 3 object under and instruct the witness not to answer pursuant 4 to the Fifth Amendment to the United States Constitution, as 5 well as state law including Article 1, Section 15 of the 6 California Constitution and Article 1, Section 23 of the 7 North Carolina Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. Did you participate in any scheme or plan for the 16 Congressional subcommittee to leak video of NAF's annual 17 meetings to Charles Johnson of Gotnews.Com?</p> <p>18 MR. BROOKS: Objection, form, lacks foundation, 19 also argumentative and compound. Additionally, I object 20 under and instruct the witness not to answer pursuant to the 21 Fifth Amendment to the United States Constitution, as well as 22 state law including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 (Plaintiff's Exhibit Number 219 7 marked for identification)</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Handing you a copy of Plaintiff's Exhibit 219, this 10 is an Email from David Daleiden dated July 12, 2015, Bates 11 number CM038356 through 74. Do you recognize Plaintiff's 12 Exhibit 219?</p> <p>13 MR. BROOKS: Objection, form. Given Counsel's 14 preamble it assumes facts not in evidence, and lacks 15 foundation, and that description also lacks authentication. 16 Additionally, I would instruct the witness not to answer 17 based on -- or instruct the witness not to answer pursuant to 18 the Fifth Amendment to the United States Constitution, as 19 well as state law including Article 1, Section 15 of the 20 California Constitution and Article 1, Section 23 of the 21 North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>

<p style="text-align: center;">Page 238</p> <p>1 Constitution and therefore I respectfully decline to 2 answer. 3 BY MR. ROBINSON: 4 Q. This is a true and correct copy of an Email sent by 5 David Daleiden to numerous individuals including yourself 6 dated the day before CMP went public with its video campaign, 7 correct? 8 MR. BROOKS: Objection to form, assumes facts not in 9 not in evidence, and lacks foundation. Additionally, I 10 object under and instruct the witness not to answer pursuant 11 to the Fifth Amendment to the United States Constitution, as 12 well as state law including Article 1, Section 15 of the 13 California Constitution and Article 1, Section 23 of the 14 North Carolina Constitution. Also calls for speculation by 15 the witness. 16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer. 22 BY MR. ROBINSON: 23 Q. Do you see name Anna Davin in the to line of this 24 Email? 25 MR. BROOKS: Objection, assumes facts not in</p>	<p style="text-align: center;">Page 239</p> <p>1 evidence -- objection, form, assumes facts not in evidence 2 and lacks foundation. Additionally, this document has not 3 been authenticated. I will also object under and instruct 4 the witness not to answer pursuant to the Fifth Amendment of 5 the United States Constitution, as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution. 9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer. 15 BY MR. ROBINSON: 16 Q. Anna Davin, that was you, correct? 17 MR. BROOKS: Objection, form, and vague, 18 ambiguous. Additionally, I object and instruct the witness 19 not to answer pursuant to the Fifth Amendment to the United 20 States Constitution, as well as state law including Article 21 1, Section 15 of the California Constitution and Article 1, 22 Section 23 of the North Carolina Constitution, given the form 23 and ambiguity of the question. 24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>
<p style="text-align: center;">Page 240</p> <p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer. 5 BY MR. ROBINSON: 6 Q. Others on the to line include Troy Newman and Cheryl 7 Sullenger, correct? 8 MR. BROOKS: Objection, form, assumes facts not 9 in evidence, lacks foundation. Again, this document has not 10 been authenticated by the witness. Additionally, I object 11 and instruct the witness not to answer pursuant to the Fifth 12 Amendment to the United States Constitution, as well as state 13 law including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution. 16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer. 22 BY MR. ROBINSON: 23 Q. The attachment to this Email contains messaging 24 guidelines for those on this Email list to follow following 25 CMP's release of the video it had taken during its project,</p>	<p style="text-align: center;">Page 241</p> <p>1 correct? 2 MR. BROOKS: Objection, form, assumes facts not 3 in evidence, lacks foundation, lacks authentication. 4 Additionally, I object under and instruct the witness not to 5 answer pursuant to the Fifth Amendment to the United States 6 Constitution, as well as state law including Article 1, 7 Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution. Additionally, 9 I'll object to mischaracterizing the document, which I think 10 speaks for itself. 11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer. 17 BY MR. ROBINSON: 18 (Plaintiff's Exhibit Number 220 19 marked for identification) 20 Q. I'm handing you a copy of Plaintiff's Exhibit 220. 21 This is a document with Bates label CM03161. This is a true 22 and correct copy of a business card that you handed out at 23 NAF's annual meeting in 2015 purported to be Rebecca Wagner 24 as Contracts Administrator for Bio Max, correct? 25 MR. BROOKS: Objection, form, assumes facts not</p>

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<p>1 in evidence, lacks -- assumes facts not in evidence, lacks 2 foundation. Additionally is a compound question. 3 Furthermore, I object under and instruct the witness not to 4 answer pursuant to the Fifth Amendment to the United States 5 Constitution, as well as state law including Article 1, 6 Section 15 of the California Constitution and Article 1, 7 Section 23 of the North Carolina Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to answer. 13 Is everyone still comfortable with the air on?</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. CMP went public with its video campaign on July 14, 16 2014 -- sorry, 2015, correct?</p> <p>17 MR. BROOKS: Objection, form, assumes facts not 18 in evidence and lacks foundation. Additionally, I object 19 under and instruct the witness not to answer pursuant to the 20 Fifth Amendment to the United States Constitution, as well as 21 state law including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. ROBINSON:</p> <p>6 Q. Did you know that the viral undercover video 7 published by CMP on and after July 14, 2015 would result in 8 harassment and hate speech and death threats to the Planned 9 Parenthood officials and NAF meeting attendees depicted in 10 those videos?</p> <p>11 MR. BROOKS: Objection, form, lack of 12 foundation, lack of -- lack of foundation, assumes facts not 13 in evidence, is a compound question, is argumentative and 14 harassing, as well as vague and ambiguous. Additionally, I 15 object under and instruct the witness not to answer pursuant 16 to the Fifth Amendment to the United States Constitution, as 17 well as state law including Article 1, Section 15 of the 18 California Constitution and Article 1, Section 23 of the 19 North Carolina Constitution. Also, the questions calls for 20 speculation.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>
<p>1 answer.</p> <p>2 BY MR. ROBINSON:</p> <p>3 Q. One of the videos that CMP released targeted a 4 doctor named Dr. Gindi at a Colorado Springs Planned 5 Parenthood Clinic, correct?</p> <p>6 MR. BROOKS: Objection, form, assumes facts not 7 in evidence, lacks foundation, refers to a video that has not 8 been presented, and the question is vague and ambiguous as a 9 result. Additionally, I -- the question is argumentative. 10 Additionally, I object under and instruct the witness not to 11 answer pursuant to the Fifth Amendment to the United States 12 Constitution, as well as state law including Article 1, 13 Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. ROBINSON:</p> <p>22 Q. After CMP's release the viral undercover video Dr. 23 Gindi -- Dr. Gindi experienced an increase in harassment, 24 especially at her home, correct?</p> <p>25 MR. BROOKS: Objection, form, lacks foundation,</p>	<p>1 assumes facts not in evidence, is argumentative and 2 harassing. Additionally calls for speculation from the 3 witness. I also object under and direct the witness not to 4 answer pursuant to the Fifth Amendment to the United States 5 Constitution, as well as state law including Article 1, 6 Section 15 of the California Constitution and Article 1, 7 Section 23 of the North Carolina Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. ROBINSON:</p> <p>15 Q. A few months after CMP released its undercover video 16 of Dr. Gindi, a person by the name of Robert Deer committed a 17 mass shooting at a clinic location resulting in the deaths of 18 three civilians, correct?</p> <p>19 MR. BROOKS: Objection, form, assumes facts not 20 in evidence, lacks foundation. Going to object also on 21 relevance, harassment and argumentative. Furthermore, I 22 object under and instruct the witness not to answer pursuant 23 to the Fifth Amendment of the United States Constitution, as 24 well as state law including Article 1, Section 15 of the 25 California Constitution and Article 1, Section 23 of the</p>

<p style="text-align: center;">Page 246</p> <p>1 North Carolina Constitution. I'd also note the question 2 requires the witness to speculate.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. ROBINSON:</p> <p>10 Q. Were you aware that the police reported that Robert 11 Deer uttered the words, no more baby parts after they had 12 taken him into custody following the Colorado Springs 13 shooting?</p> <p>14 MR. BROOKS: Objection, form, lacks foundation, 15 assumes facts not in evidence, is harassing and argumentative 16 and irrelevant. Additionally, calls for the witness to 17 speculate. I also object under and direct the witness not to 18 answer pursuant to the Fifth Amendment to the United States 19 Constitution as well as state law including Article 1, 20 Section 15 of the California Constitution and Article 1, 21 Section 23 of the North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p style="text-align: center;">Page 247</p> <p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. ROBINSON:</p> <p>4 Q. Were you aware that Operation Rescue had published 5 the address of Dr. Gindi's Planned Parenthood Clinic on its 6 website, abortiondocs.org, before the Colorado Springs 7 shooting occurred?</p> <p>8 MR. BROOKS: Objection, form, lacks foundation, 9 assumes facts not in evidence. It's also vague and 10 ambiguous. Additionally, I object because it is harassing 11 and irrelevant. I also object under and instruct the witness 12 not to answer pursuant to the Fifth Amendment to the United 13 States Constitution, as well as state law including Article 14 1, Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. ROBINSON:</p> <p>23 Q. Did you personally intend for the subjects of CMP's 24 viral video campaign to be victimized by violence?</p> <p>25 MR. BROOKS: Objection, form, lacks</p>
<p style="text-align: center;">Page 248</p> <p>1 foundation, assumes facts not in evidence, is argumentative 2 and harassing. Additionally, I object under and instruct the 3 witness not to answer pursuant to the Fifth Amendment to the 4 United States Constitution, as well as state law including 5 Article 1, Section 15 of the California Constitution and 6 Article 1, Section 23 of the North Carolina Constitution.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. ROBINSON:</p> <p>14 Q. At the time of CMP's release of its viral undercover 15 video, did you think it was likely that the subjects of CMP's 16 video would be victimized by violence?</p> <p>17 MR. BROOKS: Objection, form, lacks foundation, 18 assumes facts not in evidence, calls for speculation by the 19 witness. It is vague and ambiguous. Additionally, I object 20 under and instruct the witness not to answer pursuant to the 21 Fifth Amendment to the United States Constitution, as well as 22 state law including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>	<p style="text-align: center;">Page 249</p> <p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. ROBINSON:</p> <p>7 Q. Do you feel any remorse or responsibility for the 8 deaths of the three people killed at that Colorado Springs 9 shooting outside Dr. Gindi's clinic?</p> <p>10 MR. BROOKS: Objection, form, lack of 11 foundation, lack -- assumes facts not in evidence, is 12 argumentative and harassing and irrelevant. Additionally, I 13 object under and instruct the witness not to answer pursuant 14 to the Fifth Amendment to the United States Constitution, as 15 well as state law including Article 1, Section 15 of the 16 California Constitution and Article 1, Section 23 of the 17 North Carolina Constitution.</p> <p>18 MR. MIHET: Objection, move to strike. Move 19 for sanction. Counsel has no reasonable basis for the claims 20 he is making in light of testimony in the Colorado litigation 21 under oath that the event that took place there were the acts 22 -- the random acts of a deranged person not foreseeable to 23 anyone else.</p> <p>24 MR. BROOKS: I join in the motion to strike 25 made by Mr. Mihet.</p>

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<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. ROBINSON:</p> <p>8 Q. Do you currently have access to any of the NAF video 9 recordings taken at NAF's annual meetings?</p> <p>10 MR. BROOKS: Objection, form, vague, ambiguous, 11 assumes facts not in evidence, lacks foundation, and refers 12 to videos that are not -- have not been presented here. 13 Additionally, I object under and direct the witness not to 14 answer pursuant to the Fifth Amendment to the United States 15 Constitution, as well as state law including Article 1, 16 Section 15 of the California Constitution and Article 1, 17 Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. ROBINSON:</p> <p>25 Q. Are you still engaged in undercover sting operations</p>	<p>1 involving Planned Parenthood clinics or events? 2 MR. BROOKS: Objection, form, assumes facts not 3 in evidence, lacks foundation. It's also argumentative and 4 harassing. Additionally, I object under and instruct the 5 witness not to answer pursuant to the Fifth Amendment to the 6 United States Constitution, as well as state law including 7 Article 1, Section 15 of the California Constitution and 8 Article 1, Section 23 of the North Carolina Constitution. 9 And if I didn't say it before, I also object on the 10 grounds the question is vague and ambiguous.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. ROBINSON:</p> <p>18 Q. Are you still engaged in any undercover sting 19 operations involving NAF annual meetings?</p> <p>20 MR. BROOKS: Objection, form, assumes facts not 21 in evidence, lacks foundation, is also vague. Additionally, 22 I object under and instruct the witness not to answer 23 pursuant to the Fifth Amendment to the United States 24 Constitution as well as state law including Article 1, 25 Section 15 of the California Constitution and Article 1,</p>
<p style="text-align: center;">Page 252</p> <p>1 Section 23 of the North Carolina Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. ROBINSON:</p> <p>9 Q. Are you currently planning to infiltrate NAF in the 10 future?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation, 12 assumes facts not in evidence. Additionally, I object 13 pursuant to and instruct the witness pursuant to not answer 14 the Fifth Amendment to the United States Constitution, as 15 well as state law including Article 1, Section 15 of the 16 California Constitution and Article 1, Section 23 of the 17 North Carolina Constitution. I also object that the question 18 is argumentative.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. ROBINSON:</p>	<p style="text-align: center;">Page 253</p> <p>1 Q. Let's take a short break.</p> <p>2 THE VIDEOGRAPHER: Going off record. The time 3 is 5:13 p.m.. 4 (RECESS TAKEN)</p> <p>5 THE VIDEOGRAPHER: We are going back on record. 6 The time is 5:25 p.m.. This is the beginning of DVD Number 7 5.</p> <p>8 MR. KAMRAS: Mr. Robinson, you want to state 9 whether you're finished questioning?</p> <p>10 MR. ROBINSON: Yes, I pass the witness. Thank 11 you.</p> <p>12 DIRECT EXAMINATION</p> <p>13 BY MR. KAMRAS:</p> <p>14 Q. Good afternoon. Just a reminder, I'm Jeremy Kamras. 15 I represent Planned Parenthood Federation of America and 16 certain of its affiliates --</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- in this matter. When was your wedding?</p> <p>19 MR. BROOKS: I'm going to object to the 20 relevance of that, but you can answer.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>

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<p>1 answer.</p> <p>2 BY MR. KAMRAS:</p> <p>3 Q. Your wedding was in May of 2015, correct?</p> <p>4 MR. BROOKS: I'm going to object to relevance</p> <p>5 and I think this is harassing.</p> <p>6 A. I am asserting my rights under the Fifth Amendment</p> <p>7 to the United States Constitution as well as state law</p> <p>8 including Article 1, Section 15 of the California</p> <p>9 Constitution and Article 1, Section 23 of the North Carolina</p> <p>10 Constitution and therefore I respectfully decline to</p> <p>11 answer.</p> <p>12 BY MR. KAMRAS:</p> <p>13 Q. Are you aware that Kate Ryan is testifying, also,</p> <p>14 today in this matter?</p> <p>15 MR. BROOKS: Objection, lack of foundation,</p> <p>16 assumes facts not in evidence, and relevance, harassing, and</p> <p>17 I will instruct the witness to not answer under the Fifth</p> <p>18 Amendment of the United States Constitution, as well as state</p> <p>19 law including Article 1, Section 15 of the California</p> <p>20 Constitution and Article 1, Section 23 of the North Carolina</p> <p>21 Constitution.</p> <p>22 MR. KAMRAS: What's your basis for the</p> <p>23 objection?</p> <p>24 MR. BROOKS: I just stated the basis for the</p> <p>25 basis of my objection, sir.</p>	<p>1 MR. KAMRAS: As to the knowledge whether</p> <p>2 someone else is testifying?</p> <p>3 MR. BROOKS: Yes, sir. I just stated the basis</p> <p>4 for my objection.</p> <p>5 A. I am asserting my rights under the Fifth Amendment</p> <p>6 to the United States Constitution as well as state law</p> <p>7 including Article 1, Section 15 of the California</p> <p>8 Constitution and Article 1, Section 23 of the North Carolina</p> <p>9 Constitution and therefore I respectfully decline to</p> <p>10 answer.</p> <p>11 BY MR. KAMRAS:</p> <p>12 Q. I'll represent to you that Ms. Ryan testified that</p> <p>13 Mr. Daleiden was at your wedding. Is that correct?</p> <p>14 MR. BROOKS: Objection, lack of foundation,</p> <p>15 assumes facts not in evidence. Counsel is testifying. And I</p> <p>16 also object on relevance and this is harassment and</p> <p>17 argumentative. Additionally, I direct the witness not to</p> <p>18 answer pursuant to the Fifth Amendment to the United States</p> <p>19 Constitution, as well as state law including Article 1,</p> <p>20 Section 15 of the California Constitution and Article 1,</p> <p>21 Section 23 of the North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment</p> <p>23 to the United States Constitution as well as state law</p> <p>24 including Article 1, Section 15 of the California</p> <p>25 Constitution and Article 1, Section 23 of the North Carolina</p>
<p style="text-align: center;">Page 256</p> <p>1 Constitution and therefore I respectfully decline not to</p> <p>2 answer.</p> <p>3 BY MR. KAMRAS:</p> <p>4 Q. Your husband's last name is Davin, correct?</p> <p>5 MR. BROOKS: I'm going to object to that as</p> <p>6 irrelevant and harassing of the witness, completely</p> <p>7 irrelevant to this case. You can answer if you'd like.</p> <p>8 A. I am asserting my rights under the Fifth Amendment</p> <p>9 to the United States Constitution as well as state law</p> <p>10 including Article 1, Section 15 of the California</p> <p>11 Constitution and Article 1, Section 23 of the North Carolina</p> <p>12 Constitution and therefore I respectfully decline to</p> <p>13 answer.</p> <p>14 BY MR. KAMRAS:</p> <p>15 Q. It was around the time of your wedding in May of</p> <p>16 2015 when you took the last name Davin, correct?</p> <p>17 MR. BROOKS: Objection, assumes facts not in</p> <p>18 evidence, lacks foundation. Again, I think that this is</p> <p>19 harassing of the witness to bring in her husband, and I</p> <p>20 object on that basis.</p> <p>21 MR. KAMRAS: Counsel, you haven't let the</p> <p>22 witness testify as to her maiden name, which is all over the</p> <p>23 documents, so there's nothing at all harassing about any of</p> <p>24 this and you know it.</p> <p>25 MR. BROOKS: Sir, I have made my objection.</p>	<p style="text-align: center;">Page 257</p> <p>1 I'm not going to engage with you in an argument on the</p> <p>2 record, and I also move to strike Counsel's comments.</p> <p>3 A. I am asserting my rights under the Fifth Amendment</p> <p>4 to the United States Constitution as well as state law</p> <p>5 including Article 1, Section 15 of the California</p> <p>6 Constitution and Article 1, Section 23 of the North Carolina</p> <p>7 Constitution and therefore I respectfully decline to</p> <p>8 answer.</p> <p>9 BY MR. KAMRAS:</p> <p>10 Q. Let's leave Mr. Daleiden out of this for a moment,</p> <p>11 and CMP as well. Let me ask you, you, in your past, have</p> <p>12 been a member of certain pro-life organizations, is that</p> <p>13 correct?</p> <p>14 MR. BROOKS: I'm going to object to form and</p> <p>15 also I instruct the witness not to answer under the Fifth</p> <p>16 Amendment to the United States Constitution, as well as state</p> <p>17 law including Article 1, Section 15 of the California</p> <p>18 Constitution and Article 1, Section 23 of the North Carolina</p> <p>19 Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment</p> <p>21 to the United States Constitution as well as state law</p> <p>22 including Article 1, Section 15 of the California</p> <p>23 Constitution and Article 1, Section 23 of the North Carolina</p> <p>24 Constitution and therefore I respectfully decline to</p> <p>25 answer.</p>

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<p>1 BY MR. KAMRAS:</p> <p>2 Q. You were a member of Gabriel's Project, correct?</p> <p>3 MR. BROOKS: Objection, form, assumes facts not</p> <p>4 in evidence, lacks foundation. Additionally, I object under</p> <p>5 and direct the witness not to answer pursuant to the Fifth</p> <p>6 Amendment to the United States Constitution, as well as state</p> <p>7 law including Article 1, Section 15 of the California</p> <p>8 Constitution and Article 1, Section 23 of the North Carolina</p> <p>9 Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment</p> <p>11 to the United States Constitution as well as state law</p> <p>12 including Article 1, Section 15 of the California</p> <p>13 Constitution and Article 1, Section 23 of the North Carolina</p> <p>14 Constitution and therefore I respectfully decline to</p> <p>15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. Gabriel's Project is an organization that was</p> <p>18 dedicated towards helping women who were pregnant so as to</p> <p>19 avoid abortion, correct?</p> <p>20 MR. BROOKS: I'm going to object to lack of</p> <p>21 foundation -- form, lack of foundation, assumes facts not in</p> <p>22 evidence. I'm also going to direct the witness not to answer</p> <p>23 under the Fifth Amendment to the United States Constitution,</p> <p>24 as well as state law including Article 1, Section 15 of the</p> <p>25 California Constitution and Article 1, Section 23 of the</p>	<p>1 North Carolina Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment</p> <p>3 to the United States Constitution as well as state law</p> <p>4 including Article 1, Section 15 of the California</p> <p>5 Constitution and Article 1, Section 23 of the North Carolina</p> <p>6 Constitution and therefore I respectfully decline to</p> <p>7 answer.</p> <p>8 BY MR. KAMRAS:</p> <p>9 Q. You understand that abortion is legal in the United</p> <p>10 States?</p> <p>11 MR. BROOKS: Objection, form, calls for a legal</p> <p>12 conclusion, states law incorrectly. Also assume facts not in</p> <p>13 evidence, lacks foundation, and also is argumentative and</p> <p>14 harassing. Additionally, I instruct the witness not to</p> <p>15 answer pursuant to the Fifth Amendment to the United States</p> <p>16 Constitution as well as state law including Article 1,</p> <p>17 Section 15 of the California Constitution and Article 1,</p> <p>18 Section 23 of the North Carolina Constitution.</p> <p>19 BY MR. KAMRAS:</p> <p>20 Q. What are your views of providers who perform</p> <p>21 abortions?</p> <p>22 MR. BROOKS: Objection --</p> <p>23 A. Did you want me to answer your question?</p> <p>24 BY MR. KAMRAS:</p> <p>25 Q. If you're going to answer, I'd love an answer.</p>
<p style="text-align: center;">Page 260</p> <p>1 A. I am asserting my rights under the Fifth Amendment</p> <p>2 to the United States Constitution as well as state law</p> <p>3 including Article 1, Section 15 of the California</p> <p>4 Constitution and Article 1, Section 23 of the North Carolina</p> <p>5 Constitution and therefore I respectfully decline to</p> <p>6 answer.</p> <p>7 BY MR. KAMRAS:</p> <p>8 Q. So now I will restate my question which was that I</p> <p>9 asked before you had stated your answer, what are your views</p> <p>10 of people who perform abortion?</p> <p>11 MR. BROOKS: Objection, form, and that it lacks</p> <p>12 foundation and it's irrelevant. Additionally, I object under</p> <p>13 and direct the witness not to answer pursuant to the Fifth</p> <p>14 Amendment to the United States Constitution, as well as state</p> <p>15 law including Article 1, Section 15 of the California</p> <p>16 Constitution and Article 1, Section 23 of the North Carolina</p> <p>17 Constitution; and if I didn't say it before, the question is</p> <p>18 harassing.</p> <p>19 A. I am asserting my rights under the Fifth Amendment</p> <p>20 to the United States Constitution as well as state law</p> <p>21 including Article 1, Section 15 of the California</p> <p>22 Constitution and Article 1, Section 23 of the North Carolina</p> <p>23 Constitution and therefore I respectfully decline to</p> <p>24 answer.</p> <p>25 BY MR. KAMRAS:</p>	<p style="text-align: center;">Page 261</p> <p>1 Q. You've devoted much of your life to the cause of</p> <p>2 ending abortion, isn't that correct?</p> <p>3 MR. BROOKS: Objection, vague, ambiguous --</p> <p>4 form objection, vague, ambiguous, lacks foundation, assumes</p> <p>5 facts not in evidence. Additionally, I direct the witness</p> <p>6 not to answer under the Fifth Amendment to the United States</p> <p>7 Constitution, as well as state law including Article 1,</p> <p>8 Section 15 of the California Constitution and Article 1,</p> <p>9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment</p> <p>11 to the United States Constitution as well as state law</p> <p>12 including Article 1, Section 15 of the California</p> <p>13 Constitution and Article 1, Section 23 of the North Carolina</p> <p>14 Constitution and therefore I respectfully decline to</p> <p>15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. You have devoted much of your life to the cause of</p> <p>18 ending abortion regardless of gestational age, the</p> <p>19 circumstances of pregnancy, or the circumstances of the</p> <p>20 mother, isn't that correct?</p> <p>21 MR. BROOKS: Objection, form, lacks foundation,</p> <p>22 lacks -- or lacks foundation, assumes facts not in evidence.</p> <p>23 Additionally, this line -- this question has been asked and</p> <p>24 answered effectively, and I also instruct the witness not to</p> <p>25 answer pursuant to the Fifth Amendment to the United States</p>

<p style="text-align: center;">Page 262</p> <p>1 Constitution as well as state law including Article 1, 2 Section 15 of the California Constitution and Article 1, 3 Section 23 of the North Carolina Constitution.</p> <p>4 MR. MIHET: The question is also compound. 5 MR. BROOKS: Yes, I join that objection.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. KAMRAS:</p> <p>13 Q. You were a member of Survivors of Abortion 14 Holocaust, correct?</p> <p>15 MR. BROOKS: I'm going to object to that 16 question as to form because it lacks foundation and assumes 17 facts. I'm also going instruct the witness not to answer 18 pursuant to the Fifth Amendment of the United States 19 Constitution, as well as state law including Article 1, 20 Section 15 of the California Constitution and Article 1, 21 Section 23 of the North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p style="text-align: center;">Page 263</p> <p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. KAMRAS:</p> <p>4 Q. In fact, you are a participant in training for the 5 abortion -- excuse me, for Survivors of The Abortion 6 Holocaust, correct?</p> <p>7 MR. BROOKS: I'm going to object on form 8 grounds that this question lacks foundation, assumes facts 9 not in evidence, and has effectively been asked and answered 10 by the prior question. Additionally, I direct the witness 11 not to answer pursuant to the Fifth Amendment to the United 12 States Constitution, as well as state law including Article 13 1, Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 MR. MIHET: The question is also vague and 16 ambiguous.</p> <p>17 MR. BROOKS: I join in that objection.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. KAMRAS:</p> <p>25 Q. Are you aware, therefore, of the mission of the</p>
<p style="text-align: center;">Page 264</p> <p>1 Survivors Of The Abortion Holocaust, correct?</p> <p>2 MR. BROOKS: I'm going to object on form 3 grounds that this lacks foundation, assumes facts not in 4 evidence, is harassing in light of the prior objection and 5 answer. It's also vague and ambiguous, calls for 6 speculation. Additionally, I direct the witness not to answer 7 on the grounds -- or pursuant to the Fifth Amendment to the 8 United States Constitution, as well as state law including 9 Article 1, Section 15 of the California Constitution and 10 Article 1, Section 23 of the North Carolina Constitution.</p> <p>11 A. I am asserting my rights under the Fifth Amendment 12 to the United States Constitution as well as state law 13 including Article 1, Section 15 of the California 14 Constitution and Article 1, Section 23 of the North Carolina 15 Constitution and therefore I respectfully decline to 16 answer.</p> <p>17 BY MR. KAMRAS:</p> <p>18 Q. Are you member today of the Survivors Of The 19 Abortion Holocaust?</p> <p>20 MR. BROOKS: I'm going to object to the 21 question and direct the witness not to answer pursuant to the 22 Fifth Amendment to the United States Constitution, as well as 23 state law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution, and also make a form objection as to vagueness</p>	<p style="text-align: center;">Page 265</p> <p>1 and ambiguity.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. KAMRAS:</p> <p>9 (Plaintiff's Exhibit Number 221 10 marked for identification)</p> <p>11 Q. Ms. Davin, I'm going to hand you what's been marked 12 as Plaintiff's Exhibit 221. I will represent to you that 13 this is a printout from the Survivors Of the Abortion 14 Holocaust website. Let me direct you to the first page where 15 there is a picture at the top. Is that a pictures that you 16 recognize?</p> <p>17 MR. BROOKS: I'm going to object to the form as 18 vague, ambiguous, lacks foundation, lacks -- assumes facts 19 not in evidence, and that document has not been authenticated 20 yet. Additionally --</p> <p>21 MR. MIHET: Also --</p> <p>22 MR. BROOKS: Go ahead, Harry.</p> <p>23 MR. MIHET: Go ahead -- for the record, what's 24 the Bate stamp for the document?</p> <p>25 MR. KAMRAS: There's no Bate stamp. I printed</p>

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<p>1 it, as I said, from the website.</p> <p>2 MR. BROOKS: Also I object under and direct the 3 witness not to answer pursuant to the Fifth Amendment to the 4 United States Constitution, as well as state law including 5 Article 1, Section 15 of the California Constitution and 6 Article 1, Section 23 of the North Carolina Constitution.</p> <p>7 MR. MIHET: I object to questioning the 8 witness on a document that's not been produced in discovery.</p> <p>9 MR. BROOKS: I would also object to that.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. If I direct you to the first page of the document, 18 in the second sentence you'll see it says, often referred to 19 as the Marines of the pro-life movement due to our reputation 20 for being the boots on the ground on the front lines of the 21 battle to save the pre-born babies of America. Survivors, 22 approach, prioritizes, action. Do you agree with that 23 mission statement?</p> <p>24 MR. BROOKS: Objection form. 25 MR. MIHET: Same objection.</p>	<p>1 MR. BROOKS: Objection, form, lacks foundation, 2 assumes facts not in evidence, vague and ambiguous. Also, I 3 direct the witness not to answer pursuant to the Fifth 4 Amendment to the United States Constitution, as well as state 5 law including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. KAMRAS:</p> <p>15 Q. I'd direct you to the bottom of page 2 of the 16 document leading onto page 3. It says, dedicated to 17 defending the right to life of future generations. We are 18 engaged in a battle to end America's genocide. Do you 19 believe that you are engaged in a battle to end America's 20 genocide?</p> <p>21 MR. BROOKS: I'm going to object -- 22 MR. MIHET: Same objection.</p> <p>23 MR. BROOKS: Object to form on the basis of the 24 fact that we are having questions about a document that's not 25 been authenticated, and it's not been produced prior to this</p>
<p style="text-align: center;">Page 268</p> <p>1 testimony. Counsel is the only one who can represent where 2 it came from. Additionally, I think this is irrelevant and 3 harassing, and I also object and instruct the witness not to 4 answer pursuant to the Fifth Amendment to the United States 5 Constitution, as well as state law including Article 1, 6 Section 15 of the California Constitution and Article 1, 7 Section 23 of the North Carolina Constitution. I also object 8 to the extent that it mischaracterizes the document.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. KAMRAS:</p> <p>16 Q. On page 4 of the document there is a section 17 beginning, what we believe. I'll wait for you to get there. 18 So on page 4 there's a section beginning, what we believe, 19 and the last sentence of the first paragraph under the title, 20 what we believe, is we believe that abortion in all of its 21 forms is evil and mocks the sanctity of human life. Do you 22 agree with that statement?</p> <p>23 MR. BROOKS: I'm going to object on form basis, 24 again, because lack of authentication, assumes facts not in 25 evidence, and lack of -- lacks foundation. I also object and</p>	<p style="text-align: center;">Page 269</p> <p>1 direct the witness not to answer pursuant to the Fifth 2 Amendment of the United States Constitution, as well as state 3 law including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution, and object to the line of questioning as 6 argumentative and harassing.</p> <p>7 MR. MIHET: Same objection.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. KAMRAS:</p> <p>15 Q. Let me have you turn to page 7 of the same document. 16 There's a section that begins, you'll see, through activism. 17 Have you found it?</p> <p>18 A. I'm here.</p> <p>19 Q. So page 7, the section beginning, through activism, 20 the first sentence; survivors is a group of activists, 21 because to be pro-life means to act pro-life. Do you agree 22 with that?</p> <p>23 MR. BROOKS: Again, I object having questions 24 about a document that has not been produced, has not been 25 authenticated. I also object on the basis this is</p>

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<p>1 irrelevant, harassing and argumentative. I also direct the 2 witness not to answer pursuant to the Fifth Amendment to the 3 United States Constitution, as well as state law including 4 Article 1, Section 15 of the California Constitution and 5 Article 1, Section 23 of the North Carolina Constitution. 6 I'd also note that I don't think the witness has had a chance 7 to review the entire document.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. KAMRAS:</p> <p>15 (Plaintiff's Exhibit Number 222 16 marked for identification)</p> <p>17 Q. Mrs. Davin, I'm handing you what's marked as 18 Plaintiff's Exhibit 222, document Date stamp CM0003 through 19 04.</p> <p>20 MR. BROOKS: I'm sorry, Counsel, is this 21 Exhibit 222, is that correct?</p> <p>22 MR. KAMRAS: That is correct.</p> <p>23 MR. BROOKS: Thank you, sir.</p> <p>24 BY MR. KAMRAS:</p> <p>25 Q. Ms. Davin, do you recognize this as a brochure for</p>	<p>1 Bio Max that was generated in connection with the Human 2 Capitol Project, correct?</p> <p>3 MR. BROOKS: Objection, form, assumes facts not 4 in evidence, lacks foundation, it's also effectively a 5 compound question and is vague. I also instruct the witness 6 not to answer pursuant to the Fifth Amendment to the United 7 States Constitution, as well as state law including Article 8 1, Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. Mrs. Davin, you distributed this brochure, did you 18 not?</p> <p>19 MR. BROOKS: Objection, lack -- form, lack of 20 foundation, assumes facts not in evidence, also vague and 21 ambiguous. Moreover, I object and direct the witness not to 22 answer pursuant to the Fifth Amendment to the United States 23 Constitution, as well as state law including Article 1, 24 Section 15 of the California Constitution and Article 1, 25 Section 23 of the North Carolina Constitution.</p>
<p style="text-align: center;">Page 272</p> <p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. KAMRAS:</p> <p>8 Q. I want to direct you to the first page of the 9 document, the middle column it's titled Bi -- excuse me, 10 About Bio Max. Do you see that?</p> <p>11 A. Middle column, yes.</p> <p>12 Q. The first sentence reads, Bio Max Procurement 13 Services, LLC is a biological specimen procurement 14 organization headquartered in Norwalk, California. That's a 15 false statement, correct?</p> <p>16 MR. BROOKS: I'm going to object, form, lack of 17 foundation, assumes facts not in evidence, calls for 18 speculation by the witness. Additionally, this document's 19 not been authenticated. Also, I object and direct the 20 witness not to answer pursuant to the Fifth Amendment to the 21 United States Constitution as well, as state law including 22 Article 1, Section 15 of the California Constitution and 23 Article 1, Section 23 of the North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment 25 to the United States Constitution as well as state law</p>	<p style="text-align: center;">Page 273</p> <p>1 including Article 1, Section 15 of the California 2 Constitution and Article 1, Section 23 of the North Carolina 3 Constitution and therefore I respectfully decline to 4 answer.</p> <p>5 BY MR. KAMRAS:</p> <p>6 Q. Directing your attention, again, to the first page, 7 middle column of Exhibit 222, under About Bio Max, the second 8 sentence; Bio Max provides tissue and specimen procurement 9 for academic and private bioscience researchers. That also 10 is a false statement, correct?</p> <p>11 MR. BROOKS: Again, objection to form, assumes 12 facts not in evidence, lack of foundation. Again, the 13 witness has not authenticated this document; and also I 14 object under and direct the witness not to answer pursuant to 15 the Fifth Amendment to the United States Constitution, as 16 well as state law including Article 1, Section 15 of the 17 California Constitution and Article 1, Section 23 of the 18 North Carolina Constitution. I also object to the extent 19 this calls for speculation.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>

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<p>1 BY MR. KAMRAS:</p> <p>2 Q. Again, directing you to the first page of Exhibit 3 222, middle column, About Bio Max, the third sentence; our 4 commitment is to provide the highest quality specimens with 5 efficient professional service to facilitate world changing 6 discoveries. That is a false statement, correct?</p> <p>7 MR. BROOKS: Objection form, lack of 8 foundation, assumes facts not in evidence, calls for 9 speculation, and actually a compound question; and I also 10 object, again, the witness has not authenticated this 11 document. Moreover, I object and direct the witness not to 12 answer pursuant to the Fifth Amendment of the United States 13 Constitution, as well as state law including Article 1, 14 Section 15 of the California Constitution and Article 1, 15 Section 23 of the North Carolina Constitution.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. KAMRAS:</p> <p>23 (Plaintiff's Exhibit Number 223 24 marked for identification)</p> <p>25 Q. Mrs. Davin, I'm handing you what's been marked as</p>	<p>1 Exhibit 223. This is a one page document Bate stamped 2 CM03472 entitled Bio Max Procurement Services, LLC Donor 3 Center Application. This is a document that you helped 4 create, correct?</p> <p>5 MR. BROOKS: Objection, form, lack of 6 foundation, assumes facts not in evidence, also vague and 7 ambiguous. Moreover, I direct the witness not to answer 8 pursuant to the Fifth Amendment to the United States 9 Constitution, as well as state law including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. KAMRAS:</p> <p>19 Q. Bio Max never intended to facilitate the donation of 20 fetal tissue to any research facility, correct?</p> <p>21 MR. BROOKS: Objection, form, assumes facts not 22 in evidence, lack of foundation, the witness has not 23 authenticated this document. Additionally, the terms are 24 vague and ambiguous, particularly fetal tissue; and I would 25 also direct the witness not to answer pursuant to the Fifth</p>
<p style="text-align: center;">Page 276</p> <p>1 Amendment to the United States Constitution, as well as state 2 law including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution. Also calls for speculation.</p> <p>5 A. I am asserting my rights under the Fifth Amendment 6 to the United States Constitution as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution and therefore I respectfully decline to 10 answer.</p> <p>11 BY MR. KAMRAS:</p> <p>12 Q. You understood that the Human Capital Project was an 13 undercover operation, correct?</p> <p>14 MR. BROOKS: Objection, form, assumes facts not 15 in evidence, lack of foundation, vague, ambiguous and 16 argumentative. Additionally, I direct the witness not to 17 answer pursuant to the Fifth Amendment to the United States 18 Constitution, as well as state law including Article 1, 19 Section 15 of the California Constitution and Article 1, 20 Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>	<p style="text-align: center;">Page 277</p> <p>1 answer.</p> <p>2 BY MR. KAMRAS:</p> <p>3 Q. That meant that participants in the Human Capitol 4 Project, including yourself, would represent that they were 5 actually working on behalf of a tissue procurement 6 organization, correct?</p> <p>7 MR. BROOKS: Objection, form, lack of 8 foundation, assumes facts not in evidence, vague and 9 ambiguous; and additionally I direct the witness not to 10 answer pursuant to the Fifth Amendment to the United States 11 Constitution, as well as state law including Article 1, 12 Section 15 of the California Constitution and Article 1, 13 Section 23 of the North Carolina Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. KAMRAS:</p> <p>21 Q. In fact, there was no such tissue procurement 22 organization, correct?</p> <p>23 MR. BROOKS: Objection, form, lack of 24 foundation, assumes facts not in evidence, vague and 25 ambiguous, also calls for speculation. Additionally, I</p>

<p style="text-align: center;">Page 278</p> <p>1 direct the witness not to answer pursuant to the Fifth 2 Amendment to the United States Constitution as well as state 3 law including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. KAMRAS:</p> <p>13 Q. And the name of that organization, that fictitious 14 organization, was Bio Max Procurement Services, correct?</p> <p>15 MR. BROOKS: Objection, form, vague, ambiguous, 16 lacks foundation, assumes facts not in evidence, calls for 17 speculation. Additionally, I direct the witness not to 18 answer pursuant to the Fifth Amendment to the United States 19 Constitution, as well as state law including Article 1, 20 Section 15 of the California Constitution and Article 1, 21 Section 23 of the North Carolina Constitution.</p> <p>22 A. I am asserting my rights under the Fifth Amendment 23 to the United States Constitution as well as state law 24 including Article 1, Section 15 of the California 25 Constitution and Article 1, Section 23 of the North Carolina</p>	<p style="text-align: center;">Page 279</p> <p>1 Constitution and therefore I respectfully decline to 2 answer.</p> <p>3 BY MR. KAMRAS: 4 (Plaintiff's Exhibit Number 224 5 marked for identification)</p> <p>6 Q. Mrs. Davin, I'm handing you what's been marked as 7 Plaintiff's Exhibit 224, which was, although not Bate 8 stamped, previously produced in this matter at PP0005934 9 through 35.</p> <p>10 MR. ZIMMERMAN: It's the same document just 11 didn't put a Bate stamp?</p> <p>12 MR. KAMRAS: Correct.</p> <p>13 MR. ZIMMERMAN: Thank you.</p> <p>14 MR. KAMRAS: It was produced natively.</p> <p>15 BY MR. KAMRAS:</p> <p>16 Q. Mrs. Davin, if you look at the first page of this 17 exhibit, you recognize the picture as a picture of David 18 Daleiden, correct?</p> <p>19 MR. BROOKS: I'm going to object to form, also 20 going to instruct the witness not to answer on the grounds of 21 the Fifth Amendment to the United States Constitution, as 22 well as state law including Article 1, Section 15 of the 23 California Constitution and Article 1, Section 23 of the 24 North Carolina Constitution.</p> <p>25 A. I am asserting my rights under the Fifth Amendment</p>
<p style="text-align: center;">Page 280</p> <p>1 to the United States Constitution as well as state law 2 including Article 1, Section 15 of the California 3 Constitution and Article 1, Section 23 of the North Carolina 4 Constitution and therefore I respectfully decline to 5 answer.</p> <p>6 BY MR. KAMRAS:</p> <p>7 Q. You see that the name that is in fact listed on the 8 ID is that of Robert Sarkis, correct?</p> <p>9 MR. BROOKS: Objection, form. The document 10 speaks for itself. Additionally, the document has not been 11 authenticated, and there's a lack of foundation. I will 12 direct the witness to not answer the question pursuant to the 13 Fifth Amendment of the United States Constitution, as well as 14 state law including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. KAMRAS:</p> <p>24 Q. This is a picture of the false identification that 25 Mr. Daleiden used to gain entry into NAF conferences,</p>	<p style="text-align: center;">Page 281</p> <p>1 correct?</p> <p>2 MR. BROOKS: Objection to form, vague, 3 ambiguous, lacks foundation, assumes facts not in evidence, 4 is also an unauthenticated document and calling for 5 speculation by the witness. I also direct the witness not to 6 answer pursuant to the Fifth Amendment to the United States 7 Constitution, as well as state law including Article 1, 8 Section 15 of the California Constitution and Article 1, 9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. Did Mr. Daleiden obtain the driver's license that is 18 depicted in Exhibit 224 from the California Department of 19 Motor Vehicles?</p> <p>20 MR. BROOKS: Objection, form, assumes facts not 21 in evidence, lacks foundation, document has not been 22 authenticated, also calls for speculation. Additionally, I 23 direct the witness not to answer pursuant to the Fifth 24 Amendment to the United States Constitution, as well as state 25 law including Article 1, Section 15 of the California</p>

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<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution.</p> <p>3 A. I am asserting my rights under the Fifth Amendment 4 to the United States Constitution as well as state law 5 including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution and therefore I respectfully decline to 8 answer.</p> <p>9 BY MR. KAMRAS:</p> <p>10 Q. What did Mr. Daleiden tell you, if anything, about 11 how he procured the driver's license that is depicted in 12 Exhibit 224?</p> <p>13 MR. BROOKS: Objection, form, assumes facts not 14 in evidence, lack of foundation, lack of authentication. 15 Additionally, I direct the witness not to answer pursuant to 16 the Fifth Amendment to the United States Constitution, as 17 well as state law including Article 1, Section 15 of the 18 California Constitution and Article 1, Section 23 of the 19 North Carolina Constitution.</p> <p>20 A. I am asserting my rights under the Fifth Amendment 21 to the United States Constitution as well as state law 22 including Article 1, Section 15 of the California 23 Constitution and Article 1, Section 23 of the North Carolina 24 Constitution and therefore I respectfully decline to 25 answer.</p>	<p>1 BY MR. KAMRAS: 2 Q. Turning your attention to the second page of Exhibit 3 224. You recognize the photograph in this driver's license 4 as that of Sandra Merit, correct?</p> <p>5 MR. BROOKS: Objection, form, assumes facts not 6 in evidence, lack of foundation and lack of authentication. 7 Additionally I direct the witness not to answer pursuant to 8 the Fifth Amendment to the United States Constitution, as 9 well as state law including Article 1, Section 15 of the 10 California Constitution and Article 1, Section 23 of the 11 North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. KAMRAS:</p> <p>19 Q. This is a depiction, that is to say the second page 20 of Exhibit 224, is a depiction of the driver's license that 21 Sandra Merit used to gain access to NAF conferences, correct?</p> <p>22 MR. BROOKS: Objection, form, lacks foundation, 23 assumes facts not in evidence, lacks authentication, and 24 calls for speculation. Additionally, I object and direct the 25 witness not to answer pursuant to the Fifth Amendment to the</p>
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<p>1 United States Constitution, as well as state law including 2 Article 1, Section 15 of the California Constitution and 3 Article 1, Section 23 of the North Carolina Constitution.</p> <p>4 A. I am asserting my rights under the Fifth Amendment 5 to the United States Constitution as well as state law 6 including Article 1, Section 15 of the California 7 Constitution and Article 1, Section 23 of the North Carolina 8 Constitution and therefore I respectfully decline to 9 answer.</p> <p>10 BY MR. KAMRAS:</p> <p>11 Q. What, if anything, did -- excuse me. What, if 12 anything, were you told about how the driver's license that 13 is depicted on the second page of Exhibit 224 was procured?</p> <p>14 MR. BROOKS: Objection, form, as to lacking 15 foundation, assuming facts not in evidence, and lacking 16 authentication. Additionally, I object and direct the 17 witness not to answer pursuant to the Fifth Amendment to the 18 United States Constitution, as well as state law including 19 Article 1, Section 15 of the California Constitution and 20 Article 1, Section 23 of the North Carolina Constitution.</p> <p>21 A. I am asserting my rights under the Fifth Amendment 22 to the United States Constitution as well as state law 23 including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution and therefore I respectfully decline to</p>	<p>1 answer.</p> <p>2 BY MR. KAMRAS:</p> <p>3 Q. You and the Human Capital Project used these 4 documents regarding Bio Max and these false identifications 5 in order to disguise the true purpose of the Human Capital 6 Project and the Center for Medical Progress, correct?</p> <p>7 MR. BROOKS: Objection, form, quite compound, 8 lacks foundation, assumes facts not in evidence, lacks 9 authentication; is also vague and ambiguous, and calls for 10 speculation. Additionally, I direct the witness not to 11 answer pursuant to the Fifth Amendment to the United States 12 Constitution, as well as state law including Article 1, 13 Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment 16 to the United States Constitution as well as state law 17 including Article 1, Section 15 of the California 18 Constitution and Article 1, Section 23 of the North Carolina 19 Constitution and therefore I respectfully decline to 20 answer.</p> <p>21 BY MR. KAMRAS:</p> <p>22 Q. You and other members of the Human Capitol Project 23 were lying to Planned Parenthood employees about Bio Max, 24 correct?</p> <p>25 MR. BROOKS: Objection, form, lack of</p>

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<p>1 foundation, assumes facts not in evidence, lack of 2 authentication, vague and ambiguous, also argumentative and 3 harassing. Additionally -- and also compound question, calls 4 for speculation. Additionally, I direct the witness not to 5 answer pursuant to the Fifth Amendment to the United States 6 Constitution, as well as state law including Article 1, 7 Section 15 of the California Constitution and Article 1, 8 Section 23 of the North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment 10 to the United States Constitution as well as state law 11 including Article 1, Section 15 of the California 12 Constitution and Article 1, Section 23 of the North Carolina 13 Constitution and therefore I respectfully decline to 14 answer.</p> <p>15 BY MR. KAMRAS:</p> <p>16 Q. You understood that Planned Parenthood employees 17 would not have spoken with you if they knew your true goals, 18 correct?</p> <p>19 MR. BROOKS: Objection, form, lacks foundation, 20 assumes facts not in evidence, and is vague and ambiguous, 21 calls for speculation. Additionally, I direct the witness 22 not to answer pursuant to the Fifth Amendment to the United 23 States Constitution, as well as state law including Article 24 1, Section 15 of the California Constitution and Article 1, 25 Section 23 of the North Carolina Constitution.</p>	<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. KAMRAS:</p> <p>8 Q. You agree that Planned Parenthood employees would 9 not have spoken with you if they knew your true goals, 10 correct?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation, 12 assumes facts not in evidence, and is vague and ambiguous, 13 calls for speculation. Additionally, I direct the witness 14 not to answer pursuant to the Fifth Amendment to the United 15 States Constitution, as well as state law including Article 1, 16 Section 15 of the California Constitution and Article 1, 17 Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to</p>
<p>1 answer.</p> <p>2 BY MR. KAMRAS:</p> <p>3 Q. You agree that under certain circumstances lying is 4 justified, correct?</p> <p>5 MR. BROOKS: Objection, form, lacks foundation, 6 assumes facts not in evidence, is irrelevant, harassing and 7 argumentative. Additionally, I direct the witness not to 8 answer pursuant to the Fifth Amendment to the United States 9 Constitution, as well as state law including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. KAMRAS:</p> <p>19 (Plaintiff's Exhibit Numbers 225 & 226 20 marked For identification)</p> <p>21 Q. Mrs. Davin, I'm going to hand you what has been 22 marked as Exhibits 225 and 226. They're going to go 23 together. 225 is a two page Email Bate stamped CM04088 24 through 89, and 226 is Bate stamped CM04090 through 12 -- 25 112; an article entitled, Starting A Conversation On The</p>	<p>1 Morality Of Devious Tactics In The Pro-Life Movement by Janet 2 E. Smith. Directing your attention to the Exhibit 225, you 3 will see that it is a string, Email string. The first Email 4 is from Janet Smith to David Daleiden; second Email is from 5 David Daleiden forwarding the Email and blind copying 6 Annamarie Bettisworth. Do you see that?</p> <p>7 MR. BROOKS: Before you answer, I'm going to 8 object to the characterization as lacking foundation, object 9 to the form of that question, because of the characterization 10 which lacks foundation, assumes facts not in evidence, and 11 has not been authenticated. And in light of that preamble to 12 the question, I will direct the witness not to answer 13 pursuant to the Fifth Amendment to the United States 14 Constitution, as well as state law including Article 1, 15 Section 15 of the California Constitution and Article 1, 16 Section 23 of the North Carolina Constitution, again because 17 of the phrasing of that question.</p> <p>18 MR. KAMRAS: Thought I'd been so careful to 19 say it wasn't necessarily her that was Annamarie Bettisworth, 20 but just to say Annamarie Bettisworth was copied, but you're 21 going to object to that?</p> <p>22 MR. BROOKS: I think there's a way to ask that 23 question without objection.</p> <p>24 MR. KAMRAS: Alright.</p> <p>25 BY MR. KAMRAS:</p>

<p style="text-align: center;">Page 290</p> <p>1 Q. You can answer as in whatever way you intend to. 2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. KAMRAS:</p> <p>9 Q. In fact, you have seen the Email that is Exhibit 225 10 before, correct?</p> <p>11 MR. BROOKS: Objection, form, lack of 12 foundation, assumes facts not in evidence, also -- well, lack 13 of authentication at this point. More importantly, I direct 14 the witness not to answer pursuant to the Fifth Amendment to 15 the United States Constitution, as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution.</p> <p>19 A. I am asserting my rights under the Fifth Amendment 20 to the United States Constitution as well as state law 21 including Article 1, Section 15 of the California 22 Constitution and Article 1, Section 23 of the North Carolina 23 Constitution and therefore I respectfully decline to 24 answer.</p> <p>25 BY MR. KAMRAS:</p>	<p style="text-align: center;">Page 291</p> <p>1 Q. In the Email by Janet Smith you see that Ms. Smith 2 begins, Dear David, attached is my explanation why I think 3 the use of falsehoods in some situations is mortal, and do 4 not violate Catholic moral principles. You agree with that, 5 correct?</p> <p>6 MR. BROOKS: Objection, form, assumes facts not 7 in evidence, lack of foundation, lack of authentication. 8 Also, I direct the witness not to answer pursuant to the 9 Fifth Amendment to the United States Constitution, as well as 10 state law including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution.</p> <p>13 A. I am asserting my rights under the Fifth Amendment 14 to the United States Constitution as well as state law 15 including Article 1, Section 15 of the California 16 Constitution and Article 1, Section 23 of the North Carolina 17 Constitution and therefore I respectfully decline to 18 answer.</p> <p>19 BY MR. KAMRAS:</p> <p>20 Q. In the fourth paragraph of the same Email, again 21 Exhibit 225, the last sentence of the fourth paragraph; so I 22 argue that while no use of falsehoods would have been 23 permissible or necessary before the fall, afterwards it is.</p> <p>24 MR. BROOKS: Objection, form -- 25 MR. KAMRAS: I haven't asked a question yet.</p>
<p style="text-align: center;">Page 292</p> <p>1 MR. BROOKS: You're right, you haven't asked a 2 question.</p> <p>3 BY MR. KAMRAS:</p> <p>4 Q. You agree with that statement, correct?</p> <p>5 MR. BROOKS: Objection, form, lack of 6 foundation, assumes facts not in evidence. Again, this 7 document has not been authenticated. Also, I direct the 8 witness not to answer pursuant to the Fifth Amendment to the 9 United States Constitution, as well as state law including 10 Article 1, Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. KAMRAS:</p> <p>19 Q. I draw your attention to the date of this Email from 20 Janet Smith, namely June 21st, 2013. At that point you were 21 already working with David Daleiden in connection with the 22 Center For Medical Progress, correct?</p> <p>23 MR. BROOKS: Objection, form, lack of 24 foundation, assumes facts not in evidence. This document has 25 not been authenticated, and that question is also vague and</p>	<p style="text-align: center;">Page 293</p> <p>1 ambiguous. I further direct the witness not to answer 2 pursuant to the Fifth Amendment to the United States 3 Constitution, as well as state law including Article 1, 4 Section 15 of the California Constitution and Article 1, 5 Section 23 of the North Carolina Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. KAMRAS:</p> <p>13 Q. I direct your attention, again, to the first page of 14 Exhibit 225, same Email that we have been looking at. Now, 15 the last line of the first page it begins, I applaud -- while 16 I applaud your courage and initiative -- she says to David 17 Daleiden, I applaud your courage and initiative in trying to 18 fight the evils of the abortion industry, and your 19 willingness to put yourself at great risk to do so. You 20 understand that Ms. Smith was referring to the Human Capitol 21 Project as part of the Center For Medical Progress, 22 correct?</p> <p>23 MR. BROOKS: Objection, form, assumes facts not 24 in evidence, lacks foundation, document has not been 25 authenticated, and calls for speculation by the witness.</p>

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<p>1 Additionally, I direct the witness not to answer pursuant to 2 the Fifth Amendment to the United States Constitution, as 3 well as state law including Article 1, Section 15 of the 4 California Constitution and Article 1, Section 23 of the 5 North Carolina Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. KAMRAS:</p> <p>13 Q. Mr. Daleiden then forwards this Email from Ms. Smith 14 to Fred, someone named Fred. This is the Email which Ann, 15 Annamarie Bettisworth is copied, and he attaches a document 16 entitled, UFL -- a document that has the electronic title, 17 UFL Rev Smith.docsX. You see that?</p> <p>18 MR. BROOKS: Objection, form, mischaracterizes 19 the document, assumes facts not in evidence, and lacks 20 foundation, and lacks authentication. Is also vague and 21 ambiguous.</p> <p>22 A. I'm sorry, I don't understand what you were trying 23 to ask.</p> <p>24 BY MR. KAMRAS:</p> <p>25 Q. I was just noting to make sure we're looking at the</p>	<p>1 same page. If you look at the top of the Email you see that 2 this is the Email in which David Daleiden forwards Ms. 3 Smith's underlying Email; and that there is an indication of 4 an attachment; and that attachment is entitled, UFL Rev 5 Smith.docsX. You see that?</p> <p>6 MR. BROOKS: Again, I object to that 7 question on the grounds of form, and that it assumes facts 8 not in evidence. It's not been authenticated, and there's a 9 lack of foundation. Additionally, given that explanation, 10 I'm going to instruct the witness not to answer on the 11 grounds of the Fifth Amendment of the United States 12 Constitution, as well as state law including Article 1, 13 Section 15 of the California Constitution and Article 1, 14 Section 23 of the North Carolina Constitution, again because 15 of the characterization of what the document is.</p> <p>16 A. I am asserting my rights under the Fifth Amendment 17 to the United States Constitution as well as state law 18 including Article 1, Section 15 of the California 19 Constitution and Article 1, Section 23 of the North Carolina 20 Constitution and therefore I respectfully decline to 21 answer.</p> <p>22 BY MR. KAMRAS:</p> <p>23 Q. In this Email now at the top of Exhibit 225, Mr. 24 Daleiden says in the second sentence, here is the statement 25 on the morality of undercover tactics that Dr. Janet Smith</p>
<p style="text-align: center;">Page 296</p> <p>1 sent me. Do you see that?</p> <p>2 MR. BROOKS: Objection, form, assumes facts not 3 in evidence, lack of foundation, lack of authentication, and 4 assumes facts not in evidence. Also, Counsel did not exactly 5 read the statement as written.</p> <p>6 MR. KAMRAS: I'm pretty sure I read it exactly 7 correctly, but go ahead.</p> <p>8 MR. BROOKS: Therefore I object to the form. 9 Also, I object on the grounds of privilege and direct the 10 witness not to answer pursuant to the Fifth Amendment to the 11 United States Constitution, as well as state law including 12 Article 1, Section 15 of the California Constitution and 13 Article 1, Section 23 of the North Carolina Constitution.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. KAMRAS:</p> <p>21 Q. So now I want to direct you to the attached document 22 which is Exhibit 226, and in particular the first paragraph. 23 You see that Ms. Smith writes, I chose this topic for two 24 reasons. First, because I admire the work Lila Rose and 25 associates at Live Action who use devious tactics to expose</p>	<p style="text-align: center;">Page 297</p> <p>1 the horrific practice of Planned Parenthood. Do you agree 2 with her characterization?</p> <p>3 MR. BROOKS: Objection, form, lack of 4 foundation, assumes facts not in evidence, lack of 5 authentication, speculation. Additionally, I direct the 6 witness not to answer pursuant to the Fifth Amendment to the 7 United States Constitution, as well as state law including 8 Article 1, Section 15 of the California Constitution and 9 Article 1, Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. She continues in the same paragraph, I would like to 18 provide them with a strong defense of their tactics, for I 19 think one is available. One that violates no principles of 20 Catholic moral theology. You agree that the tactics -- the 21 devious tactics that she refers to violate no principle of 22 Catholic moral theologies, correct?</p> <p>23 MR. BROOKS: Objection, form, lack of 24 foundation, assumes facts not in evidence, lack of 25 authentication, also vague and ambiguous. Moreover, I direct</p>

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<p>1 the witness not to answer pursuant to the Fifth Amendment to 2 the United States Constitution, as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution.</p> <p>6 A. I am asserting my rights under the Fifth Amendment 7 to the United States Constitution as well as state law 8 including Article 1, Section 15 of the California 9 Constitution and Article 1, Section 23 of the North Carolina 10 Constitution and therefore I respectfully decline to 11 answer.</p> <p>12 BY MR. KAMRAS:</p> <p>13 Q. I want to direct you to page 4 of Exhibit 226, which 14 has the Bate stamp CM04093; and in particular, the last 15 sentence of the first full paragraph. So the sentence 16 begins, a minority. Do you see where I am? It's the last 17 sentence of first full paragraph begins a minority. It's 4 18 lines from the bottom of the paragraph.</p> <p>19 A. Yes, I see where you are.</p> <p>20 Q. It reads, a minority of those who have published on 21 the issue going back to early church fathers such as Casian 22 and Chrysostom argue that telling some falsehoods, 23 particularly those told in defense of innocent life is moral. 24 You agree with that, correct?</p> <p>25 MR. BROOKS: Objection, form, assumes facts not</p>	<p>1 in evidence, lack of foundation, lack of authentication, more 2 to the point -- it's vague and ambiguous. More to the point, 3 I direct the witness not to answer pursuant to the Fifth 4 Amendment to the United States Constitution, as well as state 5 law including Article 1, Section 15 of the California 6 Constitution and Article 1, Section 23 of the North Carolina 7 Constitution.</p> <p>8 A. I am asserting my rights under the Fifth Amendment 9 to the United States Constitution as well as state law 10 including Article 1, Section 15 of the California 11 Constitution and Article 1, Section 23 of the North Carolina 12 Constitution and therefore I respectfully decline to 13 answer.</p> <p>14 BY MR. KAMRAS:</p> <p>15 Q. You believe that unborn children are innocent life, 16 correct?</p> <p>17 MR. BROOKS: I'm going to object to that 18 question for form, and direct the witness not to answer on 19 the grounds of the Fifth Amendment to the United States 20 Constitution, as well as state law including Article 1, 21 Section 15 of the California Constitution and Article 1, 22 Section 23 of the North Carolina Constitution.</p> <p>23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>
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<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. KAMRAS:</p> <p>5 Q. You believe, therefore, that abortions are morally 6 wrong, correct?</p> <p>7 MR. BROOKS: Objection to form. Also, I object 8 pursuant to the Fifth Amendment to the United States 9 Constitution, as well as state law including Article 1, 10 Section 15 of the California Constitution and Article 1, 11 Section 23 of the North Carolina Constitution.</p> <p>12 A. I am asserting my rights under the Fifth Amendment 13 to the United States Constitution as well as state law 14 including Article 1, Section 15 of the California 15 Constitution and Article 1, Section 23 of the North Carolina 16 Constitution and therefore I respectfully decline to 17 answer.</p> <p>18 BY MR. KAMRAS:</p> <p>19 Q. Planned parenthood conducts abortions, correct?</p> <p>20 MR. BROOKS: I'm going to object to form, and 21 also direct the witness not to answer pursuant to the Fifth 22 Amendment to the United States Constitution, as well as state 23 law including Article 1, Section 15 of the California 24 Constitution and Article 1, Section 23 of the North Carolina 25 Constitution.</p>	<p>1 A. I am asserting my rights under the Fifth Amendment 2 to the United States Constitution as well as state law 3 including Article 1, Section 15 of the California 4 Constitution and Article 1, Section 23 of the North Carolina 5 Constitution and therefore I respectfully decline to 6 answer.</p> <p>7 BY MR. KAMRAS:</p> <p>8 Q. Stopping Planned Parenthood from conducting 9 abortions, therefore requires action in your view, correct?</p> <p>10 MR. BROOKS: Objection, form, lack of 11 foundation, assumes facts not in evidence, is vague and 12 ambiguous. I direct the witness not to answer pursuant to 13 the Fifth Amendment to the United States Constitution, as 14 well as state law including Article 1, Section 15 of the 15 California Constitution and Article 1, Section 23 of the 16 North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment 18 to the United States Constitution as well as state law 19 including Article 1, Section 15 of the California 20 Constitution and Article 1, Section 23 of the North Carolina 21 Constitution and therefore I respectfully decline to 22 answer.</p> <p>23 BY MR. KAMRAS:</p> <p>24 Q. Hearkening back to the mission statement of the 25 Survivors Of The Abortion Holocaust, it's not enough to be</p>

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<p>1 pro-life, you have to act pro-life, correct?</p> <p>2 MR. BROOKS: Objection to form, vague,</p> <p>3 ambiguous, assumes facts not in evidence, and lacks</p> <p>4 foundation. Also refers to a document that was not</p> <p>5 authenticated. Moreover, I direct the witness not to answer</p> <p>6 pursuant to the Fifth Amendment to the United States</p> <p>7 Constitution, as well as state law including Article 1,</p> <p>8 Section 15 of the California Constitution and Article 1,</p> <p>9 Section 23 of the North Carolina Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment</p> <p>11 to the United States Constitution as well as state law</p> <p>12 including Article 1, Section 15 of the California</p> <p>13 Constitution and Article 1, Section 23 of the North Carolina</p> <p>14 Constitution and therefore I respectfully decline to</p> <p>15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. So if it stopped Planned Parenthood from conducting</p> <p>18 abortions, you would lie, correct?</p> <p>19 MR. BROOKS: Objection, form, assumes facts not</p> <p>20 in evidence, lack of foundation, vague, ambiguous, also</p> <p>21 argumentative and harassing. I also direct the witness not</p> <p>22 to answer pursuant to the Fifth Amendment to the United</p> <p>23 States Constitution, as well as state law including Article</p> <p>24 1, Section 15 of the California Constitution and Article 1,</p> <p>25 Section 23 of the North Carolina Constitution.</p>	<p>1 A. I am asserting my rights under the Fifth Amendment</p> <p>2 to the United States Constitution as well as state law</p> <p>3 including Article 1, Section 15 of the California</p> <p>4 Constitution and Article 1, Section 23 of the North Carolina</p> <p>5 Constitution and therefore I respectfully decline to</p> <p>6 answer.</p> <p>7 BY MR. KAMRAS:</p> <p>8 Q. Lying to stop Planned Parenthood from conducting</p> <p>9 abortions would be morally justified in your view, correct?</p> <p>10 MR. BROOKS: Objection to form, asked and</p> <p>11 answered, lack of foundation, assumes facts not in evidence,</p> <p>12 and also vague and ambiguous. I also direct the witness not</p> <p>13 to answer pursuant to the Fifth Amendment to the United</p> <p>14 States Constitution, as well as state law including Article</p> <p>15 1, Section 15 of the California Constitution and Article 1,</p> <p>16 Section 23 of the North Carolina Constitution.</p> <p>17 A. I am asserting my rights under the Fifth Amendment</p> <p>18 to the United States Constitution as well as state law</p> <p>19 including Article 1, Section 15 of the California</p> <p>20 Constitution and Article 1, Section 23 of the North Carolina</p> <p>21 Constitution and therefore I respectfully decline to</p> <p>22 answer.</p> <p>23 BY MR. KAMRAS:</p> <p>24 Q. So Daleiden -- Mr. Daleiden lied as part of the</p> <p>25 Center For Medical Progress's Human Capitol Project,</p>
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<p>1 correct?</p> <p>2 MR. BROOKS: Objection to form, assumes facts</p> <p>3 not in evidence, lack of foundation, calls for speculation.</p> <p>4 Additionally, I direct the witness not to answer pursuant to</p> <p>5 the Fifth Amendment to the United States Constitution, as</p> <p>6 well as state law including Article 1, Section 15 of the</p> <p>7 California Constitution and Article 1, Section 23 of the</p> <p>8 North Carolina Constitution.</p> <p>9 A. I am asserting my rights under the Fifth Amendment</p> <p>10 to the United States Constitution as well as state law</p> <p>11 including Article 1, Section 15 of the California</p> <p>12 Constitution and Article 1, Section 23 of the North Carolina</p> <p>13 Constitution and therefore I respectfully decline to</p> <p>14 answer.</p> <p>15 BY MR. KAMRAS:</p> <p>16 Q. Yet others lied for him, correct?</p> <p>17 MR. BROOKS: Objection, form, lack of</p> <p>18 foundation, assumes facts not in evidence, is vague,</p> <p>19 ambiguous, argumentative and harassing. I also direct the</p> <p>20 witness not to answer pursuant to the Fifth Amendment to the</p> <p>21 United States Constitution, as well as state law including</p> <p>22 Article 1, Section 15 of the California Constitution and</p> <p>23 Article 1, Section 23 of the North Carolina Constitution.</p> <p>24 A. I am asserting my rights under the Fifth Amendment</p> <p>25 to the United States Constitution as well as state law</p>	<p>1 including Article 1, Section 15 of the California</p> <p>2 Constitution and Article 1, Section 23 of the North Carolina</p> <p>3 Constitution and therefore I respectfully decline to</p> <p>4 answer.</p> <p>5 BY MR. KAMRAS:</p> <p>6 Q. He lied about his identity, correct?</p> <p>7 MR. BROOKS: Objection, form, lack of</p> <p>8 foundation, assumes facts not in evidence, calls for</p> <p>9 speculation. Additionally, I direct the witness not to</p> <p>10 answer under the basis of the Fifth -- pursuant to the Fifth</p> <p>11 Amendment to the United States Constitution, as well as state</p> <p>12 law including Article 1, Section 15 of the California</p> <p>13 Constitution and Article 1, Section 23 of the North Carolina</p> <p>14 Constitution.</p> <p>15 A. I am asserting my rights under the Fifth Amendment</p> <p>16 to the United States Constitution as well as state law</p> <p>17 including Article 1, Section 15 of the California</p> <p>18 Constitution and Article 1, Section 23 of the North Carolina</p> <p>19 Constitution and therefore I respectfully decline to</p> <p>20 answer.</p> <p>21 BY MR. KAMRAS:</p> <p>22 Q. He lied about Planned Parenthood, correct?</p> <p>23 MR. BROOKS: Objection, form, vague, ambiguous,</p> <p>24 lacks foundation, assumes facts not in evidence, and calls</p> <p>25 for speculation. Additionally, I direct the witness not to</p>

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<p>1 answer pursuant to the Fifth Amendment to the United States 2 Constitution, as well as state law including Article 1, 3 Section 15 of the California Constitution and Article 1, 4 Section 23 of the North Carolina Constitution. And if I 5 didn't say it before, I object on the basis that this is 6 argumentative.</p> <p>7 A. I am asserting my rights under the Fifth Amendment 8 to the United States Constitution as well as state law 9 including Article 1, Section 15 of the California 10 Constitution and Article 1, Section 23 of the North Carolina 11 Constitution and therefore I respectfully decline to 12 answer.</p> <p>13 BY MR. KAMRAS:</p> <p>14 Q. Bio Max was a lie, correct?</p> <p>15 MR. BROOKS: Objection, form, vague, ambiguous, 16 lack of foundation, lack of -- lack of foundation, assumes 17 facts not in evidence, calls for speculation. Additionally, 18 I direct the witness not to answer pursuant to the Fifth 19 Amendment to the United States Constitution, as well as state 20 law including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution.</p> <p>23 A. I am asserting my rights under the Fifth Amendment 24 to the United States Constitution as well as state law 25 including Article 1, Section 15 of the California</p>	<p>1 Constitution and Article 1, Section 23 of the North Carolina 2 Constitution and therefore I respectfully decline to 3 answer.</p> <p>4 BY MR. KAMRAS:</p> <p>5 Q. The entire Human Capital Project was built on lies, 6 correct?</p> <p>7 MR. BROOKS: Objection, form, lack of 8 foundation, assumes facts not in evidence, calls for 9 speculation, is argumentative. Additionally, I direct the 10 witness not to answer pursuant to the Fifth Amendment to the 11 United States Constitution, as well as state law including 12 Article 1, Section 15 of the California Constitution and 13 Article 1, Section 23 of the North Carolina.</p> <p>14 A. I am asserting my rights under the Fifth Amendment 15 to the United States Constitution as well as state law 16 including Article 1, Section 15 of the California 17 Constitution and Article 1, Section 23 of the North Carolina 18 Constitution and therefore I respectfully decline to 19 answer.</p> <p>20 BY MR. KAMRAS:</p> <p>21 Q. In your view those lies were justified because they 22 served a greater good, right?</p> <p>23 MR. BROOKS: Objection, form, lack of 24 foundation, assumes facts not in evidence, is also 25 argumentative and harassing, particularly since she hasn't</p>
Page 308	Page 309
<p>1 testified to anything in that regard.</p> <p>2 MR. KAMRAS: You can probably just stop after 3 anything.</p> <p>4 MR. BROOKS: That's not true. Also, I direct 5 the witness not to answer pursuant to the Fifth Amendment to 6 the United States Constitution, as well as state law 7 including Article 1, Section 15 of the California 8 Constitution and Article 1, Section 23 of the North Carolina 9 Constitution.</p> <p>10 A. I am asserting my rights under the Fifth Amendment 11 to the United States Constitution as well as state law 12 including Article 1, Section 15 of the California 13 Constitution and Article 1, Section 23 of the North Carolina 14 Constitution and therefore I respectfully decline to 15 answer.</p> <p>16 BY MR. KAMRAS:</p> <p>17 Q. That greater good in your view is stopping abortion, 18 correct?</p> <p>19 MR. BROOKS: Objection, form, lack of 20 foundation, assumes facts not in evidence, is vague and 21 ambiguous, also argumentative and harassing, and effectively 22 asked and answered. Additionally, I direct the witness not 23 to answer pursuant to the Fifth Amendment to the United 24 States Constitution, as well as state law including Article 25 1, Section 15 of the California Constitution and Article 1,</p>	<p>1 Section 23 of the North Carolina Constitution.</p> <p>2 A. I am asserting my rights under the Fifth Amendment 3 to the United States Constitution as well as state law 4 including Article 1, Section 15 of the California 5 Constitution and Article 1, Section 23 of the North Carolina 6 Constitution and therefore I respectfully decline to 7 answer.</p> <p>8 BY MR. KAMRAS:</p> <p>9 Q. That greater good that those lies served, in your 10 view, was to stop any abortion, correct?</p> <p>11 MR. BROOKS: Objection, form, lacks foundation, 12 assumes facts not in evidence, is vague, ambiguous, 13 argumentative and harassing. Additionally, I direct the 14 witness not to answer pursuant to the Fifth Amendment to the 15 United States Constitution, as well as state law including 16 Article 1, Section 15 of the California Constitution and 17 Article 1, Section 23 of the North Carolina Constitution.</p> <p>18 A. I am asserting my rights under the Fifth Amendment 19 to the United States Constitution as well as state law 20 including Article 1, Section 15 of the California 21 Constitution and Article 1, Section 23 of the North Carolina 22 Constitution and therefore I respectfully decline to 23 answer.</p> <p>24 BY MR. KAMRAS:</p> <p>25 Q. That greater good that justified those lies was, in</p>

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1 your view, to stop any abortion, even legal abortion,
 2 correct?
 3 MR. BROOKS: Objection, form, lacks foundation,
 4 assumes facts not in evidence, is vague, ambiguous, calls for
 5 a legal conclusion. Additionally, I direct the witness not
 6 to answer pursuant to the Fifth Amendment to the United
 7 States Constitution, as well as state law including Article
 8 1, Section 15 of the California Constitution and Article 1,
 9 Section 23 of the North Carolina Constitution. Also, I
 10 object to these questions as argumentative and harassing.

11 A. I am asserting my rights under the Fifth Amendment
 12 to the United States Constitution as well as state law
 13 including Article 1, Section 15 of the California
 14 Constitution and Article 1, Section 23 of the North Carolina
 15 Constitution and therefore I respectfully decline to
 16 answer.

17 BY MR. KAMRAS:

18 Q. I have no further questions.

19 MR. BROOKS: Time has expired.

20 MR. KAMRAS: I think time is close to
 21 expiring, but in any event --

22 THE VIDEOGRAPHER: Two minutes.

23 MR. BROOKS: I have no questions. Do you want
 24 to ask her about reading and waiving? You want to put that
 25 on the record?

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1 MR. ROBINSON: That's you.
 2 MR. BROOKS: Usually the deponent does that --
 3 opposing witness does that.

4 MR. ROBINSON: Signing and reading?
 5 MR. BROOKS: Yeah, but we're going to review
 6 and sign and read.

7 MR. ROBINSON: Yeah, that's up to you.

8 MR. BROOKS: If you want me to invoke, I'm
 9 going to invoke it. Usually the deposing lawyer asks --
 10 (All Counsel speaking at once)

11 MR. BROOKS: In North Carolina everyone does
 12 it. It has to be by agreement. You can insist on it if she
 13 says no. If we say no, you can insist on it.

14 MR. ROBINSON: It would be Federal Rules
 15 apply.

16 THE VIDEOGRAPHER: We're still on record.

17 MR. ROBINSON: You can go off record.

18 THE VIDEOGRAPHER: We're going off record. The
 19 time is 6:47 p.m.. This is the end of DVD Number 5 and
 20 concludes this deposition.

21 (The video deposition concluded at 6:47 p.m.)

22 (SIGNATURE RESERVED)

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Page 313

1 UNITED STATES DISTRICT COURT
 2 FOR THE
 3 NORTHERN DISTRICT OF CALIFORNIA

4 PLANNED PARENTHOOD FEDERATION OF AMERICA,)
 5 INC., ET AL,)
 6 Plaintiff)
 7 VS.)
 8 CENTER FOR MEDICAL PROGRESS, ET AL,)
 9 Defendant)
 10)
 11)

I, Tamara Violette, PR, a certified court reporter
 and notary public for Pender County, North Carolina, do
 hereby certify that Annamarie Davin appeared before me on
 March 22, 2019 and was duly sworn by me; that she was
 required to review the transcript; that she was thereupon
 examined and her testimony transcribed by me or under my
 direct supervision; that the foregoing 311 pages constitute a
 true and accurate record of the proceedings to the best of my
 knowledge and belief;

I further certify that I am neither attorney or
 counsel for, nor related to or employed by, any of the
 parties to the action in which this deposition was taken, and
 further, that I am not a relative or employee of any attorney
 or counsel employed by the parties hereto, not interested,
 directly or indirectly, in the matters of controversy nor
 financially interested in the results of this action.

In witness whereof, I have hereunto set my hand on
 this, the 5th day of April, 2019.

TAMARA GSCHWANDTNER
 PROFESSIONAL REPORTER

1 UNITED STATES DISTRICT COURT
 2 FOR THE
 3 NORTHERN DISTRICT OF CALIFORNIA

4 PLANNED PARENTHOOD FEDERATION OF AMERICA,) WITNESS
 5 INC., ET AL,) CERTIFICATE
 6 Plaintiff)
 7 VS.)
 8 THE CENTER FOR MEDICAL PROGRESS, ET AL,)
 9 Defendant)
 10)
 11)

I, Annamarie Davin, hereby certify that I was
 first duly sworn prior to the commencement of my
 deposition, which was given before Tamara Gschwandtner, PR in
 Jacksonville, North Carolina, on March 22, 2019; and that
 review, examination and signing of the transcript was not
 waived.

I further certify that the foregoing pages
 constitute a true and accurate transcript of said
 examination;

(A) _____ And no changes are necessary,

(B) _____ However, I desire the changes attached
 hereto be incorporated into said transcript.

19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

Annamarie Davin
 Witness my hand on this, the _____ day of
 _____, 2019.
 State of _____
 County of _____
 sworn to and subscribed before me on this,
 the _____ day of _____, 2019.
 My commission expires: _____

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1 ERRATA SHEET
2 DEPOSITION OF ANNAMARIE DAVIN
3 TAKEN ON MARCH 22, 2019

PAGE #	LINE #	CURRENT	CHANGE	REASON
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25 WITNESS INITIALS

EXHIBIT 6



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Anna B.

San Francisco Bay Area | Government Relations

Previous Santa Clara County Board of Supervisors, Live Action Films, Morgan Stanley Smith Barney
Education New Charter University, San Francisco, CA

[Send Anna InMail](#)

215
connections

Background



Experience

Policy Analyst, County Supervisor Mike Wasserman's Office

Santa Clara County Board of Supervisors
2013 – 2015 (2 years) | San Francisco Bay Area



Policy issue areas:

- Mental Health, Drug & Alcohol Departments
- Public Health Department
- Social Services Agency
- Department of Child Support Services
- Senior Nutrition & Public Guardian
- Affordable Housing & Homelessness
- County Library District & Library JPA
- Children, Seniors and Families Committee
- Health & Hospital Committee
- Health & Hospital System (Valley Medical Center & Clinics)



Next search result X
Anna Davin scholar at history workshop

[Home](#) [Profile](#) [My Network](#) [Jobs](#) [Interests](#)**Project Manager**

Live Action Films

February 2009 – March 2012 (3 years 2 months) | San Jose, CA

- Assisted with public relations functions: matching grant campaigns, press releases, social media promotion, and Capitol Hill communication during election seasons and investigative releases.
- Coordinated 2011/12 \$250/500k matching grant campaigns. Assisted with grant writing, large donor research and key cross-organizational relationships.
- Developed 2010-11 internship programs and office systems and policies. Managed eight cloud-based independent contractors.
- Transitioned organization to customized SalesForce CRM platforms.
- Doubled campus outreach coordinators to manage over three hundred national distributors of human rights magazine (circulation 250,000).
- Organized educational presentations on women's health in twenty-five states (coordinated with over fifty organizations and three hundred contacts).
- Assisted with the recruitment and training of sixty students for social media promotion. (Consistently reached fanbase of 300,000 with 30,000,000 views.)

Marketing and Financial Research Analyst

Morgan Stanley Smith Barney

January 2012 – 2012 (less than a year) | San Jose, CA

**Development Administrator**

Frontline USA

November 2006 – 2011 (5 years) | Rondebosch, Cape Town, South Africa

- Initiated non-profit and incorporation filing, merchant and payroll processing, and managed annual Form 990 reporting.
- Doubled US support within first three years. Oversaw transfers to various African countries (\$1M budget) and managed office operations.
- Coordinated logistics for education shipments to Zambia, Nigeria, Sudan, the Congo, Zimbabwe, and Ghana.
- Coordinated conferences and donor development with South African based staff.
- Provided human trafficking and sexual abuse research for w



Negotiations and teaching seminars.
Anna Davin scholar at history workshop

Intern

Silicon Valley GOP

January 2005 – November 2008 (3 years 11 months) | San Jose, CA



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Home Provided administrative support for voter initiation drives and new citizen ceremonies.

- Coordinated phone-banking/precinct divisions for Rep. Marilyn Musgrave's 2006 election (Denver, CO), and San Jose Mayor Chuck Reed and Councilmember Pete Constant.

Development & Financial Assistant

Frontline, South Africa

June 2006 – July 2007 (1 year 2 months) | Cape Town Area, South Africa



Organizations

American Harp Society

Starting January 2008

Additional Organizations

American Harp Society, United States Figure Skating Association (USFSA), Court Appointed Special Advocates (CASA), Diocese of San Jose, University of Cape Town - South Africa



Certifications

Guardian / Education Rights Certification

Child Advocates of Silicon Valley

Starting September 2012



Sexual Assault Victim Counselor

California Emergency Management Agency

Starting August 2014



Volunteer Experience & Causes

NGO Development: 2013 Middle East Nominee

Peace Corps

2013 | Human Rights



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Court-Appointed Child Advocate: Dependency Court

Child Advocates of Silicon Valley



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2012 – 2015 (3 years) | Social Services
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- Appointed by the Superior Court to collaborate with social workers, attorneys, therapists and guardians involved in foster youth court cases.
- Investigate case facts and provide recommendations in written court reports.
- Hold parent/guardian education rights.

Registrar of Voters: Election Officer

County of Santa Clara

2006 – 2015 (9 years) | Social Services



Gabriel Project: Social Services Coordinator, South Bay

Diocese of San Jose

2012 – 2015 (3 years) | Social Services

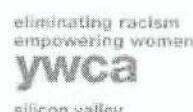


- Coordinate emergency housing services for expectant mothers in crisis.
- Manage 50 volunteers and provide annual training classes to 30 parish communities.

Rape Crisis Department: Sexual Assault Advocate

YWCA Silicon Valley

2014 – June 2015 (1 year) | Human Rights



- Provide confidential counseling to victims of rape and assault at emergency medical exams.
- Coordinate victim support with emergency room staff and law enforcement. (SART team)
- Provide counseling to child abuse and rape victims through Santa Clara County's assault hotline.

Organizations Anna supports:

- Court Appointed Special Advocates
- Peace Corps
- United States Figure Skating Association
- YWCA Domestic Violence Intervention & Prevention Program
- Gabriel Project, Diocese of San Jose



Education

New Charter University, San Francisco, CA

Master of Public Administration (MPA)

2010 – 2012

Charter Oak State College, Hartford, CT

Bachelor of Arts, Sociology

2009



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>



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Interests

• Advice for Contacting Anna

email: annamariegb@gmail.com



Skills

Top Skills

2 Public Relations



Local Government

2 Grant Writing



2 Program Management



1 Public Policy



3 Nonprofits



5 Event Planning



4 Public Speaking



3 Research



1 International...



Anna also knows about...

2 Social Services

Public Affairs

Administrative...

2 Government

2 Analysis

2 Budgets

1 Volunteer Management

1 Fundraising

2 Community Outreach

1 Social Media

Groups



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35 members

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Center for Nonprofit...

2,079 members

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Government Relations
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County of Santa Clara
Government
Administration
Follow



BUILD
Nonprofit Organization
Management
Follow



Kaiser Permanente
Hospital & Health Care
Follow



Zeiders Enterprises,...
Individual & Family
Services
Follow



National Association...
Public Policy
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Jacksonville-Onslow...
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workshop >

EXHIBIT 7

Message

From: David Daleiden [REDACTED]
Sent: 8/21/2013 7:43:28 PM
To: [REDACTED]
CC: Annamarie Bettisworth [REDACTED]
Subject: Introductory Materials
Attachments: NondisclosureAgreement.pdf

Hi Brianna,

Great to meet you and speak with you last night. Please find attached a Non-Disclosure Agreement to sign and return to me or Anna.

Also, please begin to familiarize yourself with the data from Mark Crutcher's investigation from 13 years ago (http://www.lifedynamics.com/Abortion_Information/Baby_Body_Parts/index.cfm). Pay special attention to the Order Forms (pg 3), Tissue Logs (pg 5), and Clinic Protocols/Consent (pg 7), as those are things your character should be familiar with.

Also, this article from WORLD Magazine, "The Harvest of Abortion," is a good intro to the entire subject: [http://www.worldmag.com/1999/10/the harvest of abortion](http://www.worldmag.com/1999/10/the_harvest_of_abortion)

For an example of the altruistic justification for your dirty work, see this presentation by Dr. Aileen Anderson of UC Irvine on her neural stem cell research. Her treatment for spinal cord injury is far advanced in clinical trials and in the laboratory has made paralyzed mice walk again. However, it requires 2nd trimester aborted fetal brain cells to do so. She mentions this ever so briefly about 11 minutes in: <http://www.youtube.com/watch?v=FB7Cij-RCFw>

Thanks Brianna! Please let me know if you have any questions.

-David
[REDACTED]



CM00044

INDIVIDUAL NONDISCLOSURE AGREEMENT

This Nondisclosure Agreement (this "Agreement") is dated as of _____, 2013, between David Daleiden, (hereinafter referred to as "DISCLOSER") as one party and _____ (hereinafter referred to as "RECIPIENT") as the other party to this Agreement.

RECITALS

- A. In connection with the evaluation or pursuit of certain mutually desirable research projects, DISCLOSER may disclose valuable proprietary information to RECIPIENT relating to its respective investigative research and journalism, expert analysis, and related media projects.
- B. DISCLOSER would like to protect the confidentiality of, and maintain its respective rights in and prevent the unauthorized use and disclosure of such information.

DISCLOSER AND RECIPIENT HEREBY AGREE AS FOLLOWS:

1. Confidential Information. As used in this Agreement, "Confidential Information" means all information of DISCLOSER that is not generally known to the public, whether of a technical, scientific, investigative, journalistic, or other nature (including, without limitation, (i) investigative research and analysis, journalistic notes and writings, surveillance studies, trade secrets, know-how and information relating to the science, technology, political studies, written works, operations plans, media projects, promotional activities, finances, and other affairs of DISCLOSER, and (ii) the identity of operations and research associates, research subjects, research facilities, fellow researchers and journalists, and the providers or source of information or documentation for any DISCLOSER research), that is disclosed by DISCLOSER to RECIPIENT or that is otherwise learned by RECIPIENT in the course of their discussions or dealings with, or their physical or electronic access to the premises of, DISCLOSER, and that has been identified as being proprietary and/or confidential or that by the nature of the circumstances surrounding the disclosure or receipt ought to be treated as proprietary and confidential. Confidential Information also includes all information concerning the existence and progress of the parties' dealings, the subject matter of DISCLOSER's investigative research and the identity of DISCLOSER's research affiliates, regardless of whether any such information is marked or otherwise identified in writing as confidential.

2. Use and Ownership of Confidential Information. RECIPIENT, except as expressly provided in this Agreement, will not disclose Confidential Information to anyone without DISCLOSER's prior written consent. In addition, RECIPIENT will not use, or permit others to use, Confidential Information for any purpose other than RECIPIENT's evaluation of DISCLOSER's investigative research projects, media projects, general operations and/or services as applicable, and, if pursued by the parties, negotiation and consummation of a contractual arrangement regarding RECIPIENT's products and/or services.

RECIPIENT will take all reasonable measures to avoid disclosure, dissemination or unauthorized use of Confidential Information, including, at a minimum, those measures it takes to protect its own confidential information of a similar nature. All Confidential Information will remain the exclusive property of DISCLOSER, and RECIPIENT will have no rights, by license or otherwise, to use, disclose or discuss the Confidential Information with any third party except as expressly provided herein.

3. Exceptions. The provisions of Section 2 will not apply to any information that (i) is or becomes publicly available without breach of this Agreement; (ii) can be shown by documentation to have been known to RECIPIENT prior to its receipt from DISCLOSER; (iii) is rightfully received from a third party who did not acquire or disclose such information by a wrongful or tortious act; or (iv) can be shown by documentation to have been developed by RECIPIENT without reference to any Confidential Information.

4. Disclosures to Governmental Entities. If RECIPIENT becomes legally obligated to disclose Confidential Information by any legal proceeding, governmental entity or regulatory agency with jurisdiction over it, RECIPIENT will give DISCLOSER prompt written notice to allow DISCLOSER to seek a protective order or other appropriate remedy. Such notice must include, without limitation, identification of the information to be so disclosed and a copy of the order or legal action. RECIPIENT will disclose only such information as is legally required and will use their reasonable best efforts to obtain confidential treatment for any Confidential Information that is so disclosed.

5. Return of Confidential Information. Upon DISCLOSER's written request, RECIPIENT promptly will return or destroy (or, in the case of electronic embodiments, permanently erase) all tangible material embodying Confidential Information (in any form and including, without limitation, all summaries, copies and excerpts of Confidential Information) in their possession or under their control.

6. Injunctive Relief. RECIPIENT acknowledges that disclosure or use of Confidential Information in violation of this Agreement could cause irreparable harm to DISCLOSER for which monetary damages may be difficult to ascertain or an inadequate remedy. RECIPIENT therefore agrees that DISCLOSER will have the right, in addition to its other rights and remedies, to injunctive relief for any violation of this Agreement without posting bond, or by posting bond at the lowest amount required by law.

7. Limited Relationship. This Agreement will not create a joint venture, partnership or other formal business relationship or entity of any kind, or an obligation to form any such relationship or entity. Each party will act as an independent contractor and not as an agent of the other party for any purpose, and neither will have the authority to bind the other.

8. Cumulative Obligations. Each party's obligations hereunder are in addition to, and not exclusive of, any and all of its other obligations and duties to the other party, whether express, implied, in fact or in law.

9. Entire Agreement; Amendment. This Agreement constitutes the entire agreement between the parties relating to the matters discussed herein and supersedes all prior oral and written understandings with respect to any information disclosed or received under this Agreement. This Agreement may be amended or modified only with the mutual written consent of the parties.

10. Term and Termination. This Agreement is intended to cover Confidential Information disclosed by DISCLOSER prior or subsequent to the date of this Agreement. Unless otherwise earlier terminated, this Agreement automatically will expire three (3) years from the date first written above; provided, however, that RECIPIENT's obligations with respect to DISCLOSER's Confidential Information disclosed or received prior to termination or expiration will survive for two (2) additional years following the expiration or termination of this Agreement.

11. Nonwaiver. Any failure by either party to enforce the other party's strict performance of any provision of this Agreement will not constitute a waiver of its right to subsequently enforce such provision or any other provision of this Agreement.

12. Attorney Fees. In the event any court action is commenced by one party against the other, the prevailing party is entitled to recover its out-of-pocket and court costs and reasonable attorney fees.

13. Governing Law; Severability; Etc. This Agreement will be governed by internal laws of the State of California, without reference to its choice of law rules, may be executed in counterpart copies, and, in the absence of an original signature, faxed signatures or electronically scanned and emailed signatures will be considered the equivalent of an original signature. Each party hereby waives its right to a jury trial for any claims that may arise out of this Agreement. If a provision of this Agreement is held invalid under any applicable law, such invalidity will not affect any other provision of this Agreement that can be given effect without the invalid provision. Further, all terms and conditions of this Agreement will be deemed enforceable to the fullest extent permissible under applicable law, and, when necessary, the court is requested to reform any and all terms or conditions to give them such effect.

The parties have executed this Agreement on the date first written above.

DISCLOSER

RECIPIENT

David Daleiden

Date: _____

Date: _____

Mailing Address: David Daleiden



Mailing Address:

EXHIBIT 8

CALIFORNIA USA

DRIVER LICENSE

DL [REDACTED]

EXP [REDACTED]

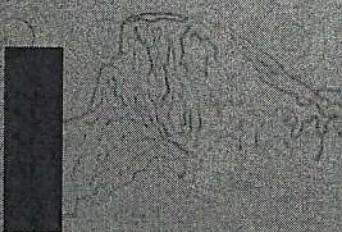
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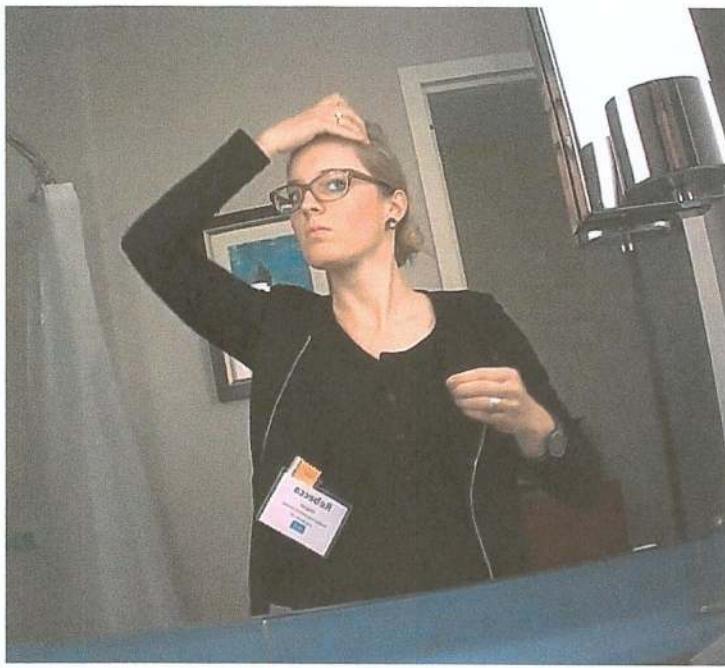
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EXHIBIT 9



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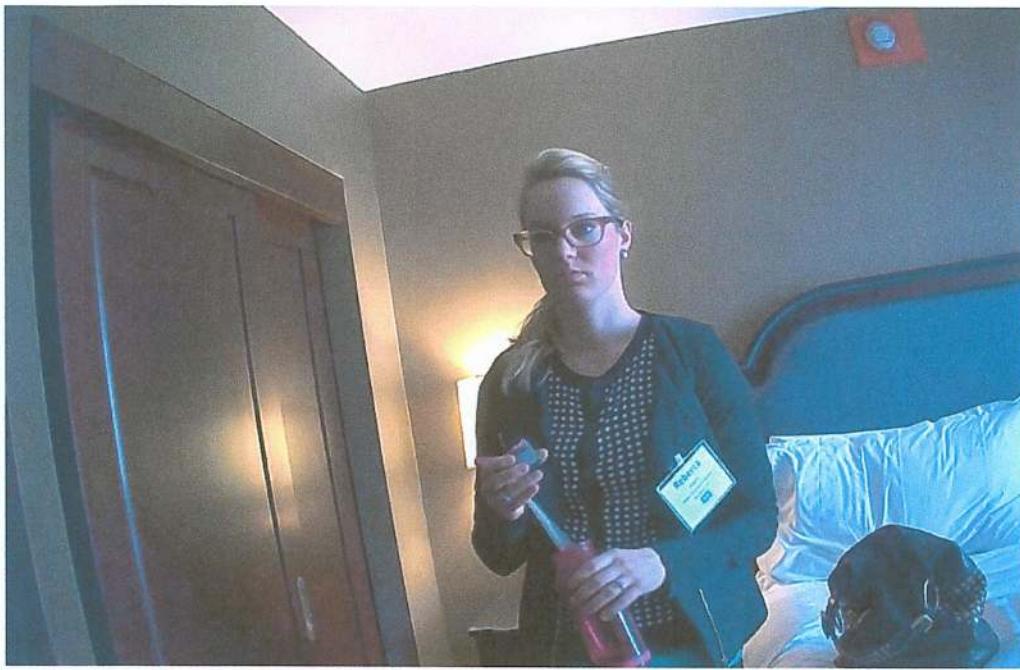


EXHIBIT 10



NATIONAL
ABORTION
FEDERATION

Approved Agent for Exhibit Space

Instructions: Please complete all information. Complete and sign the application form. Return the completed application with credit card information or a check payable to NAF for the full cost of exhibiting and registration for educational sessions. A unique email address is required for each exhibitor personnel—registrations will not be processed without this information. No one can register under NAF. This serves as a contract for exhibit space and the following terms and regulations are expressly incorporated herein. Confirmation notices will be emailed within five business days of receipt.

Deadline: Applications and fees must be received in the NAF office by Monday, February 20, 2012.

1. The exact information for the list of exhibitors in the conference Final Program. (Please print clearly.)

Company/Organization Name: BioMax Procurement Services, LLC
Address: 6444 E Spring St #725
City: Long Beach StateProv: CA
Zip/Postal Code: 90815 County: U.S.A
Contact Name: Brianna Allen
Telephone: 562.281.5041 Fax: _____
Email: procurement@biomaxps.com
Website: biomaxps.com

2. Exhibiting Company or Organization Information:

If different from above:

Company/Organization Name: _____

Address: _____

City: _____

StateProv: _____

Zip/Postal Code: _____

Country: _____

Telephone: _____

Fax: _____

Email: _____

Contact Name: _____

3. Exact wording for your exhibit booth identification sign:

BioMax Procurement Services, LLC

4. Name and title of exhibitor representative(s):

Primary Representative included in exhibit fee:
Susan Tennenbaum
Title: C.E.O. Email: susan@biomaxps.com
Additional Representative:
(Maximum of two (2) additional exhibitor personnel per purchased exhibit booth)
Robert Sarkis
Title: Procurement Manager Email: robert@biomaxps.com

Add educational pass

Additional Representative:
Adrian Lopez
Title: Procurement Technician Email: adrian@biomaxps.com
 Add educational pass

5. List the products or services to be exhibited:

fetal tissue procurement,
human biospecimen procurement

6. Exhibit Placement:

NAF reserves the right to determine the final placement of all exhibiting companies.
Companies/companies you wish to be positioned near:

Competitors: Stem Express, ABR, Novogenix

7. Exhibit Booth Fees:

<input checked="" type="checkbox"/> \$2,500 Commercial Firms	\$ <u>2500</u>
<input type="checkbox"/> \$1,900 NAF Group Purchasing Vendor	\$ _____
<input type="checkbox"/> \$1,220 NAF Member	\$ _____
<input type="checkbox"/> \$1,500 Non Member, Nonprofit Organizations	\$ _____

8. Sponsorship Opportunities:

<input type="checkbox"/> Welcome Reception: \$20,000	\$ _____
<input type="checkbox"/> Platinum Level, Continental Breakfast: \$16,000	\$ _____
<input type="checkbox"/> Gold Level, Treat Break: \$12,000	\$ _____
<input type="checkbox"/> Silver Level, Mix and Mingle Lounge: \$10,000	\$ _____
<input type="checkbox"/> Hotel Room Draw: \$7,500	\$ _____
<input type="checkbox"/> Awards: \$3,000	\$ _____
<input type="checkbox"/> Flash Drive: \$2,500	\$ _____
<input type="checkbox"/> Bag Insert: \$1,500	\$ _____

9. To advertise in NAF's 39th Annual Meeting Final Program, submit press-ready artwork in the following acceptable formats: PDF, TIFF, JPEG. Advertisement must be submitted by Friday, February 20, 2012.

<input type="checkbox"/> Full page 8.5" x 11" advertisement - \$1,000	\$ _____
<input type="checkbox"/> Half-page 8.5" x 5.5" advertisement - \$600	\$ _____

10. Total:

Exhibit Booths: <u>1</u>	Booths x \$2,500 = \$2,500
Additional Exhibit Representatives: <u>2</u>	\$200 x <u>2</u> = \$400
Additional Reps w/Fees: <u>0</u>	\$385 x <u>0</u> = \$0
Sponsorships: <u>0</u>	\$0
Advertisements: <u>0</u>	\$0
TOTAL FEES: \$ <u>3290</u>	

11. Payment: Payment should accompany this application. NAF will notify exhibitor of acceptance of this application within five business days of receipt.

Exhibit Rules and Regulations

The following rules and regulations are implicitly incorporated as part of the Agreement. Exhibitors, their officers, employees, and agents agree to state and be bound by these rules and regulations.

1. Eligibility to Exhibit — Companies with an intended business interest in reaching reproductive health care professionals, including NAF provider members, are invited to participate in the National Abortion Federation's (NAF) Annual Meeting.

2. Exhibitors expressly acknowledge NAF's right to accept or reject applications for exhibit space for any reason, including anything that, in NAF's sole discretion, that the proposed product or the exhibitor's business, products, services or performance in the field are not consistent with NAF's purposes and objectives. NAF also reserves the right to request further information from any exhibitor and/or persons or entities that have done business with Exhibitor in order to evaluate its application. Exhibitor expressly agrees to provide further information promptly if requested by NAF.

3. Refunds of the application fee and/or exhibit fee are made only as follows: the full amount of the exhibit fee paid will be refunded if the application is not accepted. A \$100.00 service charge will be deducted from each refund requested before March 16, 2015. No refunds will be made after March 16, 2015.

4. Arrangement for shipment of materials and equipment and other set up requirements are at the Exhibitor's sole expense.

5. Use of Space — NAF Exhibitor shall assign, in whole or in part, the space allotted without the advance knowledge and consent of NAF. Exhibitors must show only products provided by them in the regular course of their business. All demonstrations or other sales and promotional activities must be confined to the limits of each exhibitor-allocated exhibit space. Assigned areas of the conference venue cannot strictly abide control of NAF and signage, banners or other advertising materials shall not be displayed. It is the Exhibitor's responsibility to bring a display that fits within the contracted areas.

6. For the integrity of the tradeshow, all exhibits must be fully erected by 9:00 pm on Sunday, April 19; his exhibit shall be dismantled prior to 2:00 pm on Tuesday, April 21. Exhibits not erected by 3:00 pm on Sunday, April 19, may forfeit space at the exhibitor's expense. NAF reserves the right to make changes to the Fair Exhibit dates and hours stated. NAF will inform each exhibitor in advance of such schedule changes are made.

7. Care of Premises & Compliance with Facility Regulations — No part of the exhibit nor signs or other materials may be staked, nailed or otherwise affixed to walls, floors, or other surfaces in a way that might mar or deface the premises or exhibit furnishings. Nothing may be rigged, suspended from, or attached to any Hyatt Regency Baltimore mechanical system. Damage from failure to observe this notice is payable by the Exhibitor.

8. All exhibiting company representatives must be registered for the NAF Annual Meeting and must wear identifying badges as requested by NAF. Such identification will be required to gain entry to the exhibit area and all meeting rooms. Unlisted companies are limited to two (2) additional representatives per 8' x 8' exhibit booth.

9. Exhibitors shall comply fully with all applicable national, state, county, city, hotel, fire and safety regulation, and any relevant labor contracts as well as any further rules and regulations.

10. Security will be provided by NAF for the conference period, including set-up and dismantling. However, NAF makes no warranties and Exhibitors are responsible for any loss, damage, or injury to their exhibits, other property, or persons and/or any claims in any way arising out of their exhibiting at the Annual Meeting. Exhibitor expressly releases NAF from any such responsibility or liability.

11. All insurance, including (without limiting) business interruption and public liability coverage are the sole responsibility of the Exhibitor. NAF does not maintain insurance covering Exhibitors, and Exhibitors expressly release NAF from any such responsibility or liability.

12. The Exhibitor agrees to indemnify and hold NAF harmless for any claims for loss, damage, or injury, including reasonable attorneys' fees, connected with the Exhibitor's exhibit at the Annual Meeting and expressly releases NAF from any such responsibility or liability.

13. Photography of exhibits by anyone other than NAF or the assigned Exhibitor of the space being photographed is strictly prohibited.

14. Exhibitor agrees to display and/or represent their products and/or services in a dignified and decorous manner. Any display or conduct that, in NAF's sole discretion, is not in keeping with the general decorum of the Annual Meeting and/or purposes and objectives of NAF, is grounds for removal of the exhibit, by the Exhibitor, at the Exhibitor's expense, promptly upon notification by NAF. Prohibited activities by Exhibitors include, but are not limited to, any conduct or advertising devices of any kind that annoy, distract, or in any way interfere with other exhibitors.

15. Exhibitor agrees to identify, display, and/or represent their businesses, products, and/or services truthfully, accurately, and consistently with the information provided in the Application. Any display, conduct, or offer of any information of any kind that, in NAF's sole discretion, is determined to be incomplete, inaccurate, misleading, or inconsistent with the information provided in this Application is grounds for cancellation of this Agreement and/or removal of the exhibit by the Exhibitor at the Exhibitor's expense, promptly upon notification from NAF. Exhibitor staff who pursue an educational cause, attend educational content and/or engage in promotional activities within the CAFE activity or in any space outside the exhibit hall.

16. No refunds offered will be made in the case of cancellation or removal of exhibits pursuant to paragraphs 14 and 15 of these Rules and Regulations. Additionally, exhibitors agree to reimburse NAF for costs incurred by NAF, including reasonable attorneys' fees, in handling or responding to any violation of any provision(s) of this exhibit agreement.

17. In connection with NAF's Annual Meeting, Exhibitor understands that any information furnished is confidential and not available to the public. Exhibitor agrees that all written information provided by NAF, or any information which is disclosed orally or visually to Exhibitor, or any other exhibitor or attendee, will be used solely in conjunction with Exhibitor's business and will be made available only to Exhibitor's officers, employees, and agents. Unless authorized in writing by NAF, all information is confidential and should not be disclosed to any other individual or third parties.

18. It is further understood and agreed by Exhibitor that no failure or delay by NAF in exercising any right, power, or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise of any right, power, or privilege hereunder. Exhibitor also understands and agrees that monetary damages would not be an adequate remedy for any breach of this Agreement by Exhibitor or Exhibitor's officers, employees, or agents and that NAF will be entitled to specific, performance and injunctive relief as remedies for any such breach. Such remedies that may not be deemed to be exclusive remedies for breach of this Agreement by Exhibitor or Exhibitor's officers, employees, or agents, but shall be in addition to all other remedies available at law or equity.

19. By signing this Agreement, the Exhibitor affirms that all information contained herein, contained in any past and future correspondence with either NAF and/or in any publication, advertisements, and/or exhibits displayed at, or in connection with, NAF's Annual Meeting, is truthful, accurate, complete, and not misleading.

20. Changes in the information provided to NAF are permitted only upon NAF's written approval. Exhibitor agrees to notify NAF of any such proposed changes at least 10 days prior to the commencement of the exhibit. NAF, at its sole discretion, may cancel this agreement, if (i) NAF does not approve the changes or (ii) notification of the changes is less than 10 days before the exhibit.

I agree to comply with all rules and regulations 1-20. I also agree to hold in trust and not disclose any confidential information received in the course of exhibiting at the NAF Annual Meeting and agree not to reproduce or discuss confidential information without express permission from NAF. Violation of this paragraph could result in civil and/or criminal penalties.

Company Name BioMax Procurement Services

Signature 

Print Name Susan Tennenbaum

Title C.E.O.

Date 3-25-15

Submit contract and payment or payment information by mail or fax to:

National Abortion Federation

Attn: Michelle Davis
1400 L Street, NW, Suite 450
Washington, DC 20006
Phone: 202.667.5881 ext 450
Fax: 202.667.5890

ACCEPTANCE NATIONAL ABORTION FEDERATION

Signature _____

Print Name: Michelle Davis

Title: Group Purchasing Manager

Date: _____

Exhibit Assignment: _____



NATIONAL ABORTION FEDERATION WRITTEN AGREEMENT FOR COMMERCIAL SUPPORT

The National Abortion Federation (NAF) is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education (CME) credits for our educational activities. As an Accredited Provider, NAF is committed to presenting CME activities that promote improvements or quality in healthcare and are independent of the control of commercial interests. As part of this commitment, NAF has outlined in this written agreement the terms, conditions, and purposes of commercial support for our CME activities. Commercial Support is defined as financial, or in-kind, contributions given by a Commercial Interest, which is used to pay all or part of the costs of a CME activity. The ACCME defines a Commercial Interest as "any proprietary entity producing health care goods or services, with the exemption of non-profit or government organizations and non-health care related companies." The ACCME does not consider providers of clinical services directly to patients to be commercial interests.

Title of CME Activity	2015 Annual Meeting and related workshops, seminars, and auxiliary meetings		
Activity Location	Baltimore, MD	Activity Date	April 18-21, 2015
Name of Commercial Interest	BioMax Procurement		
Amount of Educational Grant Support (direct or in-kind)			
Amount of General Support (direct or in-kind)	\$1900		
Support will be used for the following:			
Speaker Honoraria	Speaker Expenses (itemize)	Meeting Expenses (itemize)	Other (list)
		\$1900 Exhibit booth	

TERMS, CONDITIONS, AND PURPOSES

Independence

1. This activity is for scientific and educational purposes only and will not promote any specific proprietary business interest of the Commercial Interest.
2. The Accredited Provider is responsible for all decisions regarding the identification of educational needs, determination of educational objectives, selection and presentation of content, selection of all persons and organizations that will be in a position to control the content of the CME, selection of education methods, and the evaluation of the activity.

Appropriate Use of Commercial Support

3. The Accredited Provider will make all decisions regarding the disposition and disbursement of the funds from the Commercial Interest.
4. The Commercial Interest will not require the Accredited Provider to accept advice or services concerning teachers, authors, or participants or other education matters, including content, as conditions of receiving this grant.
5. All commercial support associated with this activity will be given with the full knowledge and approval of the Accredited Provider. No other payments shall be given to the director of the activity, planning committee members, teachers or authors, joint sponsor, or any others involved with the supported activity.
6. The Accredited Provider will upon request, furnish the Commercial Interest documentation detailing the receipt and expenditure of the commercial support.

Commercial Promotion

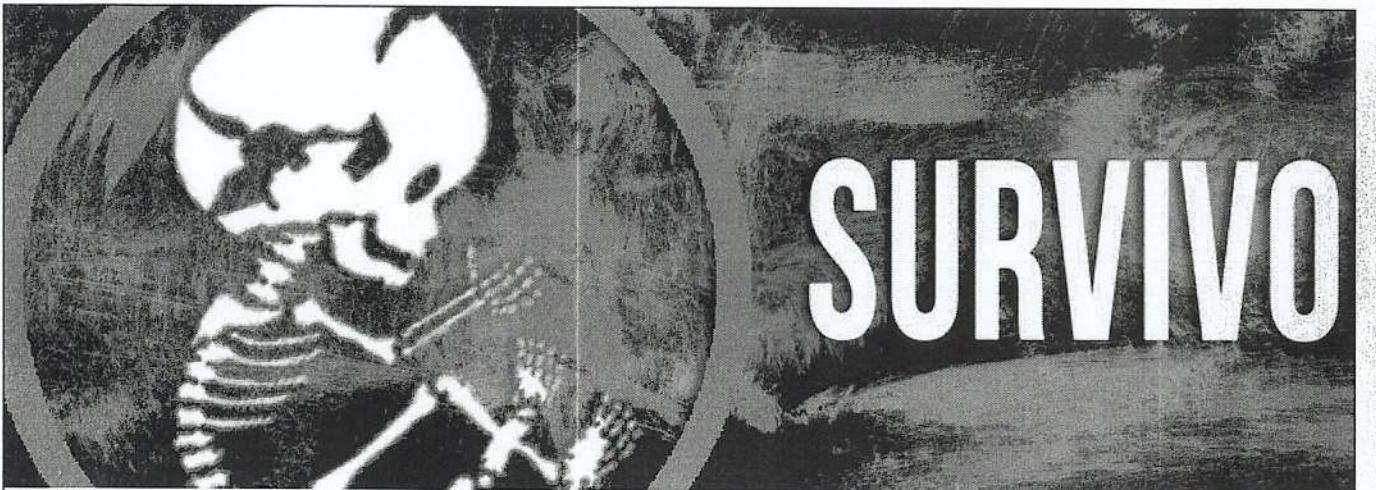
7. Product-promotion material or product-specific advertisement of any type is prohibited in or during the CME activity. The juxtaposition of editorial and advertising material on the same products or subjects is not allowed. Live or enduring promotional activities must be kept separate from the CME activity. Promotional materials cannot be displayed or distributed in the education space immediately before, during or after a CME activity. Commercial Interests may not engage in sales or promotional activities while in the space or place of the CME activity.
8. The Commercial Interest may not be the agent providing the CME activity to the learners.

Disclosure

9. The Accredited Provider will ensure that the source of support from the Commercial Interest, either direct or "in-kind," is disclosed to the participants, in program brochures, syllabi, and other program materials, and at the time of the activity. This disclosure will not include the use of a trade name or a product-group message. The acknowledgment of commercial support may state the name, mission, and clinical involvement of the company or institution and may include corporate logos and slogans, if they are not product promotional in nature.

The Commercial Supporter and NAF agree to abide by all requirements of the Accreditation Council for Continuing Medical Education (ACCME) *Standards for Commercial Support of Continuing Medical Education* (appended).

EXHIBIT 11



[Home](#) / [About Us](#) / [Training](#) / [Blog](#) / [Store](#) / [Donate](#)

Who are the Survivors?

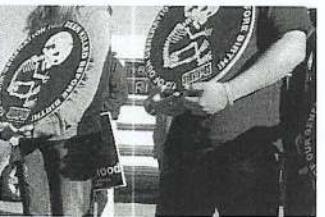
[MAKE A DONATION](#)

[SIGN UP FOR ACTION ALERTS](#)

Survivors is a youth based pro-life activism and apologetics ministry that exists to empower and equip the rising generation to end the abortion genocide in America. Often referred to as "the Marines" of the pro-life movement due to our reputation for being the "boots on the ground" on the front lines of the battle to save the pre-born babies of America, Survivors' approach prioritizes action. We train youth to be effective pro-life activists and apologists live on the job. The field is our classroom.



Any person born after January 22, 1973 is a survivor of the American



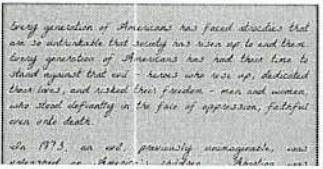
abortion holocaust. On this date, the Roe vs. Wade decision legalized abortion on demand throughout all 50 states. Since this infamous decision, over 56 million children have been killed all in the name of "choice". If you were born after the legalization of abortion in the U.S., we challenge you to consider yourself a survivor of the abortion holocaust. One third of your generation has been killed by abortion.

The Survivors are taking an active stand on behalf of those who have already been lost, and for those who are scheduled to die through abortion. We are empowered by the truth, enabled by extensive training, and unafraid of condemning the death of innocents.

Our Mission

Compelled by the Gospel of our Lord Jesus Christ and our respect for life, the Survivors of the Abortion Holocaust speak out on behalf of over 56,000,000 children lost to abortion in America since 1973.

Dedicated to
defending the right
to life of future



generations, we are engaged in a battle to end America's genocide. We recognize the urgency of this war, as over 3,500 children die each day in the United States because of abortion.

gathered up to the day of birth. Soon after, there were a small army, dedicated men and women, that began to fight against abortion. Many lives were saved but the longest war of our history continues. And now we, the Survivors of the Abortion Holocaust, are rising up to raise the next generation.

So we ask, "And what does the Lord's response of you, but to do justice, and to love mercy, and to walk humbly with your God?" (Mic 6:8)

The evil of our time is before us and it has already added us of one-third of our brothers, our sisters, our friends - our generation. Abortion's time will end, as we take our righteous stand, our place in history, continuing the fight of those generations who went before us, the fight against injustice and oppression. It is our turn to make history.

As Survivors, we the young people of this generation are directly affected by the horror of this holocaust because it happened to us -- we are its target. Abortion has claimed the lives of our classmates, our friends, our brothers and sisters. It is our obligation to tell their story and compel the world to recognize us as the Survivors of the Abortion Holocaust.

The Survivors **encourage and empower** the youth of today as they dare to rise up against the slaughter of innocent children through abortion. We are committed to educating and equipping young activists who have a heart for the pre-born and are willing to be used by God to "defend those unjustly sentenced to death."

Our mission embodies cherishing life and fighting adamantly to abolish that which takes it: abortion. In light of this, we are wholly pro-life and at the same time we are abortion abolitionists. It is not enough to

know that abortion is wrong. It is time we stand up and say: NO MORE. We are the generation of abortion abolitionists, and legalised child-killing will not survive us.

What We Believe

We believe in God, the Creator of all things and the Giver of Life. We believe that human life is precious in the eyes of the Creator.

Human life from conception until natural death should be protected and its sanctity upheld. We believe that abortion in all of its forms is evil and mocks the sanctity of human life.

Like our founding patriot fathers and the Civil War abolitionists, The Survivors believe that abortion is the issue of our day and we must labor in earnest to end this travesty so that our posterity need not bear the label of Survivors.

We believe sex was designed by God for marriage. We believe that to prevent unanticipated pregnancies people should behave responsibly by practicing sexual purity until marriage. Sexual abstinence is the first step to abortion prevention.

We believe in Jesus Christ, the Son of God, our one and only Savior and Redeemer. We

believe in the forgiveness of sins, including the sin of abortion, through His sacrifice on the cross. In our efforts to fight against abortion and educate our peers, our ultimate goal is to reach out to the lost and broken with the gospel of Christ and His message of life for all. We believe our work would be in vain if we were to educate and influence the minds of those around us, but ignore their hearts.

We believe that it is not enough to know that abortion is wrong...

...we are called to expose the horrific truth to the world.

Where We Began

On the 22nd day of January 1998, we as a nation marked the 25th anniversary of the Supreme Court decision known as "Roe vs. Wade". This also marked the beginning of a new breed of advocates for life: The Survivors.



Founded by Jeff White and Cheryl Conrad, national leaders in the pro-life movement, Survivors of the Abortion Holocaust has

affected thousands of lives by equipping and activating the youth of America to speak out against abortion. Unique in their focus, one of the first activist pro-life youth organizations on the scene, Survivors brought the activism into a broader forum, re-envisioned and revamped -- and gave a voice to the generation that had suffered the worst of legalised abortion's ravages.

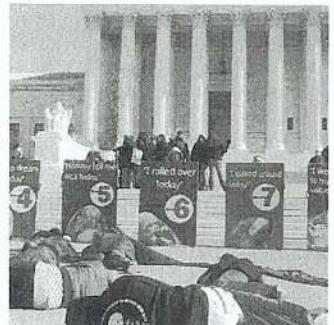
Since then, trained Survivors have been bringing their honed debate skills and expert activism to events across the U.S. and the world...

With ProLife Training: Since 1998, the Survivors of the Abortion Holocaust have conducted annual ProLife Training Camps for high school and college students. Dedicated to education and activism, the summer camps equip youth to effectively fight against abortion in their churches, schools, towns, and across the nation. Camp attendees are trained in pro-life apologetics and leadership, law enforcement and legal issues, evangelism, and other extensive topics, both in the classroom and on the street.

As part of their dedication to equipping and activating youth, the Survivors offer one or multi-day training courses and seminars throughout the year. Geared toward groups of pro-life high school and college students desirous of making a difference, Survivors

seminars feature expertly trained speakers to educate the youth and lead them in cutting-edge activism.

On top of Camps held bi-yearly, and training seminars, Survivors has organized and facilitated the International ProLife Youth Conference in Los Angeles two years running, in which pro-life leaders from across the globe have spoken and passed on their experience, knowledge, and support to this generation. The impact of Survivors' training on the youth of America has been immeasurable: through the Conference and camps, the previous generation has made their ceiling our floor, enabling us to be the new wave of abortion abolitionists who will abolish abortion.



Through Activism:

Survivors is a group of activists -- because to be pro-life means to act pro-life. Some of Survivors' regular

activism events have included: annual A ProLife Christmas Carol; EarthFair in San Diego, California; Mother's Day Outreach; volunteer sidewalk counseling; Million-to-One Memorial die-ins, a signature event which peacefully and visually demonstrates the impact of abortion on our generation. More

demonstrative activism includes Show-the-Truth campaigns; annual events to mark the anniversary of Roe v. Wade; volunteering at a home for unwed mothers; and exposing abortion providers through neighbourhood pickets, along with other activities to educate our peers to the horrors of abortion.

The Survivors are pioneers in regular on-campus activism with the Survivors Campus Outreach. Using educational displays, literature and discussion as their tools, teams of college-age Survivors have been educating their peers at campuses across the U.S. since 2001. Tour members have dedicated semesters and even years of their lives to this important work, and over 2,500 high school and college campuses have been exposed to the truth of abortion since Campus Outreach's launch. Personal stories of lives affected by the Campus Outreach abound, and scores of preborn children have been saved because of the Survivors' dedicated efforts.

With Special Events: In addition to regular monthly and annual activities, the Survivors are often leaders and participants at national and international special events. The Survivors engaged in effective activism at the 1999 International Pro-Life Youth Conference in Dublin, Ireland; the 2000 Democratic National Convention in Los Angeles, California; the 2002 Winter Olympics in Salt Lake City, Utah; the pro-abortion 2004 March

for Women's Lives in Washington, D.C.; the 2004 Democratic National Convention in Boston, MA; 1998-2013 Roe v. Wade anniversary events in Washington, D.C., Los Angeles and Sacramento, California; advocating life for Terri Schiavo in 2005 in Florida; confirmation hearings for U.S. Supreme Court Justices in Washington, D.C.; EarthFair in San Diego, California; the 2006 International Pro-Life and Family Conference in Dublin, Ireland; the 2008 New Hampshire presidential primaries; World Youth Day 2011. On top of that, Survivors organized and facilitated A Prayer for Change at the 2008 Democratic National Convention in Denver, Colorado, as well as the 2012 event, ActsFive29, in Washington, DC.

abortion is the evil of our generation.
it's our turn to make history.

EXHIBIT 12



[Home](#) / [About Us](#) / [Training](#) / [Blog](#) / [Store](#) / [Donate](#)

Acting Pro-Life Saves Babies, Act Today!

June 12, 2015 / Survivors Staff

[MAKE A DONATION](#)

[SIGN UP FOR ACTION ALERTS](#)



When I graduated high school, I had no idea what I wanted to do with my life. I signed up for Campus Outreach because it seemed like the best opportunity I had to fight injustice. And it was, everyday. - Brianna Baxter

Want to help abolish abortion by changing the culture? Our team is effectively turning the tide of public opinion against abortion.

A few quotes from "pro-choice" students we talked to this semester: "Abortion is never justified!" "You totally changed my mind." "I could never do that to my baby." Wait a minute - "pro-choice" students?! Well, not anymore. These students, and hundreds



more like them, started as "pro-choice", but became convinced abortion is wrong after seeing an image of an abortion victim, talking to one of our team members, or reading a pamphlet we gave them. Every day, each team member has the opportunity to confront the culture of death head-on and convince hundreds of students that abortion is wrong. Because of our team and other activists like them, students are finally seeing the truth and rejecting abortion. Are you willing to stand with the victims and help end abortion? We're now accepting applications for the fall 2015 Campus Outreach team!

Survivors Campus Outreach Team takes the truth about abortion to high schools, colleges, and youth groups throughout the country.

As a Survivors team member you will:

- Talk to hundreds of students about abortion.
- Plan and lead fun pro-life events with the team.
- Learn to be an effective pro-life presenter.
- Meet and work with national pro-life leaders.

- Live in community with other pro-life activists and missionaries.
- Grow in your faith.

Your commitment includes:

- Dedication to ending abortion and living out your faith.
- Willingness to work and learn on a team.
- Fundraising \$100 per week to offset the cost of room, board, and transportation.

APPLY NOW or
email campus@survivors.la for more information.

The Campus Outreach team journeys across the states to spread the Pro-Life message by actively engaging students in dialogue and creating a personal connection with them with the aim of making abortion a personal issue. That's what makes it efficient, that's what makes it successful, that's what makes the Campus Outreach team the most fruitful investment for any young person who wants to make a difference. - Erick De La O

◀ PRO-LIFE YOUTH TO , MY HEART IS BREAKING.

Comments (0)

Newest First Subscribe via e-mail

[Preview](#) [Post Comment...](#)

abortion is the evil of our generation.
it's our turn to make history.

© SURVIVORS OF THE ABORTION HOLOCAUST | P.O. BOX 52708, RIVERSIDE, CA 92517 | 951-750-1114 | INFO@SURVIVORS.LA

EXHIBIT 13

Message

From: David Daleiden [REDACTED]
Sent: 8/21/2013 7:43:28 PM
To: [REDACTED]
CC: Annamarie Bettisworth [REDACTED]
Subject: Introductory Materials
Attachments: NondisclosureAgreement.pdf

Hi Brianna,

Great to meet you and speak with you last night. Please find attached a Non-Disclosure Agreement to sign and return to me or Anna.

Also, please begin to familiarize yourself with the data from Mark Crutcher's investigation from 13 years ago (http://www.lifedynamics.com/Abortion_Information/Baby_Body_Parts/index.cfm). Pay special attention to the Order Forms (pg 3), Tissue Logs (pg 5), and Clinic Protocols/Consent (pg 7), as those are things your character should be familiar with.

Also, this article from WORLD Magazine, "The Harvest of Abortion," is a good intro to the entire subject: [http://www.worldmag.com/1999/10/the harvest of abortion](http://www.worldmag.com/1999/10/the_harvest_of_abortion)

For an example of the altruistic justification for your dirty work, see this presentation by Dr. Aileen Anderson of UC Irvine on her neural stem cell research. Her treatment for spinal cord injury is far advanced in clinical trials and in the laboratory has made paralyzed mice walk again. However, it requires 2nd trimester aborted fetal brain cells to do so. She mentions this ever so briefly about 11 minutes in: <http://www.youtube.com/watch?v=FB7Cij-RCFw>

Thanks Brianna! Please let me know if you have any questions.

-David
[REDACTED]



INDIVIDUAL NONDISCLOSURE AGREEMENT

This Nondisclosure Agreement (this "Agreement") is dated as of _____, 2013, between David Daleiden, (hereinafter referred to as "DISCLOSER") as one party and _____ (hereinafter referred to as "RECIPIENT") as the other party to this Agreement.

RECITALS

- A. In connection with the evaluation or pursuit of certain mutually desirable research projects, DISCLOSER may disclose valuable proprietary information to RECIPIENT relating to its respective investigative research and journalism, expert analysis, and related media projects.
- B. DISCLOSER would like to protect the confidentiality of, and maintain its respective rights in and prevent the unauthorized use and disclosure of such information.

DISCLOSER AND RECIPIENT HEREBY AGREE AS FOLLOWS:

1. Confidential Information. As used in this Agreement, "Confidential Information" means all information of DISCLOSER that is not generally known to the public, whether of a technical, scientific, investigative, journalistic, or other nature (including, without limitation, (i) investigative research and analysis, journalistic notes and writings, surveillance studies, trade secrets, know-how and information relating to the science, technology, political studies, written works, operations plans, media projects, promotional activities, finances, and other affairs of DISCLOSER, and (ii) the identity of operations and research associates, research subjects, research facilities, fellow researchers and journalists, and the providers or source of information or documentation for any DISCLOSER research), that is disclosed by DISCLOSER to RECIPIENT or that is otherwise learned by RECIPIENT in the course of their discussions or dealings with, or their physical or electronic access to the premises of, DISCLOSER, and that has been identified as being proprietary and/or confidential or that by the nature of the circumstances surrounding the disclosure or receipt ought to be treated as proprietary and confidential. Confidential Information also includes all information concerning the existence and progress of the parties' dealings, the subject matter of DISCLOSER's investigative research and the identity of DISCLOSER's research affiliates, regardless of whether any such information is marked or otherwise identified in writing as confidential.

2. Use and Ownership of Confidential Information. RECIPIENT, except as expressly provided in this Agreement, will not disclose Confidential Information to anyone without DISCLOSER's prior written consent. In addition, RECIPIENT will not use, or permit others to use, Confidential Information for any purpose other than RECIPIENT's evaluation of DISCLOSER's investigative research projects, media projects, general operations and/or services as applicable, and, if pursued by the parties, negotiation and consummation of a contractual arrangement regarding RECIPIENT's products and/or services.

RECIPIENT will take all reasonable measures to avoid disclosure, dissemination or unauthorized use of Confidential Information, including, at a minimum, those measures it takes to protect its own confidential information of a similar nature. All Confidential Information will remain the exclusive property of DISCLOSER, and RECIPIENT will have no rights, by license or otherwise, to use, disclose or discuss the Confidential Information with any third party except as expressly provided herein.

3. Exceptions. The provisions of Section 2 will not apply to any information that (i) is or becomes publicly available without breach of this Agreement; (ii) can be shown by documentation to have been known to RECIPIENT prior to its receipt from DISCLOSER; (iii) is rightfully received from a third party who did not acquire or disclose such information by a wrongful or tortious act; or (iv) can be shown by documentation to have been developed by RECIPIENT without reference to any Confidential Information.

4. Disclosures to Governmental Entities. If RECIPIENT becomes legally obligated to disclose Confidential Information by any legal proceeding, governmental entity or regulatory agency with jurisdiction over it, RECIPIENT will give DISCLOSER prompt written notice to allow DISCLOSER to seek a protective order or other appropriate remedy. Such notice must include, without limitation, identification of the information to be so disclosed and a copy of the order or legal action. RECIPIENT will disclose only such information as is legally required and will use their reasonable best efforts to obtain confidential treatment for any Confidential Information that is so disclosed.

5. Return of Confidential Information. Upon DISCLOSER's written request, RECIPIENT promptly will return or destroy (or, in the case of electronic embodiments, permanently erase) all tangible material embodying Confidential Information (in any form and including, without limitation, all summaries, copies and excerpts of Confidential Information) in their possession or under their control.

6. Injunctive Relief. RECIPIENT acknowledges that disclosure or use of Confidential Information in violation of this Agreement could cause irreparable harm to DISCLOSER for which monetary damages may be difficult to ascertain or an inadequate remedy. RECIPIENT therefore agrees that DISCLOSER will have the right, in addition to its other rights and remedies, to injunctive relief for any violation of this Agreement without posting bond, or by posting bond at the lowest amount required by law.

7. Limited Relationship. This Agreement will not create a joint venture, partnership or other formal business relationship or entity of any kind, or an obligation to form any such relationship or entity. Each party will act as an independent contractor and not as an agent of the other party for any purpose, and neither will have the authority to bind the other.

8. Cumulative Obligations. Each party's obligations hereunder are in addition to, and not exclusive of, any and all of its other obligations and duties to the other party, whether express, implied, in fact or in law.

9. Entire Agreement; Amendment. This Agreement constitutes the entire agreement between the parties relating to the matters discussed herein and supersedes all prior oral and written understandings with respect to any information disclosed or received under this Agreement. This Agreement may be amended or modified only with the mutual written consent of the parties.

10. Term and Termination. This Agreement is intended to cover Confidential Information disclosed by DISCLOSER prior or subsequent to the date of this Agreement. Unless otherwise earlier terminated, this Agreement automatically will expire three (3) years from the date first written above; provided, however, that RECIPIENT's obligations with respect to DISCLOSER's Confidential Information disclosed or received prior to termination or expiration will survive for two (2) additional years following the expiration or termination of this Agreement.

11. Nonwaiver. Any failure by either party to enforce the other party's strict performance of any provision of this Agreement will not constitute a waiver of its right to subsequently enforce such provision or any other provision of this Agreement.

12. Attorney Fees. In the event any court action is commenced by one party against the other, the prevailing party is entitled to recover its out-of-pocket and court costs and reasonable attorney fees.

13. Governing Law; Severability; Etc. This Agreement will be governed by internal laws of the State of California, without reference to its choice of law rules, may be executed in counterpart copies, and, in the absence of an original signature, faxed signatures or electronically scanned and emailed signatures will be considered the equivalent of an original signature. Each party hereby waives its right to a jury trial for any claims that may arise out of this Agreement. If a provision of this Agreement is held invalid under any applicable law, such invalidity will not affect any other provision of this Agreement that can be given effect without the invalid provision. Further, all terms and conditions of this Agreement will be deemed enforceable to the fullest extent permissible under applicable law, and, when necessary, the court is requested to reform any and all terms or conditions to give them such effect.

The parties have executed this Agreement on the date first written above.

DISCLOSER

David Daleiden
Date: _____

Mailing Address: David Daleiden


RECIPIENT

Date: _____

Mailing Address:

EXHIBIT 14

CONFIDENTIAL: FIELD WORKER VOCABULARY

Synopsis: You and your team member are business partners in a new venture to start up your own fetal tissue procurement corporation. Between the two of you, have contacts at multiple prestigious research universities and have thus identified initial demand and markets for your tissue services. All you need is a dependable supply of fetal tissue from capable and accessible women's clinics. You are hoping to network with abortion providers, clinic directors, and Planned Parenthood executives at the Association of Reproductive Health Professionals (ARHP) annual meeting who may be interested in participating in a tissue donation program with you.

Key Organizations:

(these and individuals associated with them will be profiled more in depth later)

Association of Reproductive Health Professionals (ARHP): ARHP is an independent organization of multidisciplinary professionals working in reproductive health care (defined below). ARHP began as the "education arm" of Planned Parenthood, and PP still co-sponsors the ARHP annual meeting, so there is a high degree of crossover between the two groups.

Planned Parenthood Federation of America (PPFA): PPFA is the largest abortion provider in the country. Planned Parenthood is organized as a federation of about 80 affiliates nationwide. Affiliates are regional groupings of PP clinics, and may encompass a local region (PP Mar Monte), a state (PP Indiana), or a large multi-state region (Planned Parenthood of the Rocky Mountains). Many PP workers, especially higher-level ones, self-identify first as working for their *affiliate* ("I work for Planned Parenthood Mar Monte") rather than the national corporation (except for national officers).

National Abortion Federation (NAF): NAF is the professional organization of abortion providers in North America. They publish minimal standards for clinics to affiliate with them—NAF affiliation is more like a certification and not a corporate relationship like PPFA affiliation. NAF membership is primarily individual abortion providers and clinics, although every PP abortion clinic is also an NAF member. NAF leadership is split about 50-50 between independent abortion providers and PPFA executives. NAF does not have to put on a PR façade the way PP does, so NAF is a locus of "abortion-positive" thinking and language.

Your Competition:

Advanced Bioscience Resources: "Non-profit" fetal tissue procurement company, operating since 1989. They work primarily with NAF clinics, but have some past and present relationships with Planned Parenthood clinics as well. Located in the CA Bay Area.

StemExpress: For-profit LLC fetal tissue procurement company, operating since 2010. They have exclusive contracts with Planned Parenthood and are aggressively trying to monopolize the supply chain of fetal tissue.



CONFIDENTIAL: FIELD WORKER VOCABULARY

Lonza: Large biotech company that frequently provides custom biomaterials requests for researchers. There are many biotech companies, very large and very small, that provide custom services to researchers that may include fetal tissue procurement.

Learning “Abortion-Speak”:

unborn child/Products of Conception → **fetus**

abortionist/Abortion Doctor → **provider**

abortion → **abortion care**

abort → **terminate**

Pro-Lifers → **Antis**

Key Terms:

Abortion care: abortion-positive phrase almost always used in place of simply “abortion”

Reproductive health: abortion, contraception, and STDs. Not fertility

Antis: short for anti-choicers. This is what clinical abortion workers call pro-lifers.

Providers: abortion doctors.

Procurement: the act of harvesting fetal tissue from an abortion clinic

Sourcing: used to refer to determining the site of procurement. “We source our tissue from Planned Parenthood,” “Our tissue is ethically sourced”

D&E: Dilation and evacuation, most common 2nd trimester abortion procedure

Induction: Induction of labor and delivery using drugs, typically used for later 2nd trimester and 3rd trimester abortions

Later Abortion: Instead of “late-term” or 3rd trimester, there are only “later” abortions

Digoxin: Poison injected into the baby to induce fetal demise during a later abortion.

Fetal tissue for research cannot have digoxin in it. A fetus killed with digoxin has been dig’ed (pronounced “ditched”).

Values Clarification: Supportive intervention for abortion workers where they discuss their conflicting natural feelings and discomforts about abortion vs. their commitment to ideals of safe, legal, accessible abortion care

Words That Will Raise Red Flags You Are An “Anti”:

Unborn Child/Baby

Preborn Child/Baby

Products of Conception (*this is rarely used outside of clinic counseling and political messaging*)

Abortion Doctor

Abortionist

Abortion Mill

Pro-Life (*only ever use with air quotes “” mockingly*)

Abort (*the verb “terminate” is used instead of “abort”*)

Pro-Abortion

CONFIDENTIAL: FIELD WORKER VOCABULARY

Stem Cell Uses:

Translational Research: stem cell research geared toward moving science from the laboratory to the medical clinic

Regenerative Medicine: therapies based on regenerating/repairing/replacing damaged body parts and/or managing/curing disease on a cellular level. Used to describe stem cell research industry

Cell-Based Therapies: Newer term to describe clinical applications of stem cell research

Biotech: biotechnology is the industry that manipulates biology for artificial productions

Biologics: medical products sourced from biological materials, such as cells, tissues, and tissue products

SCID mouse/humanized mouse model: pronounced “skid”. Severe-Combined Immune Deficient mice are mice that lack an immune system and so do not reject foreign tissue grafts. Thus, you can implant human (fetal) tissues or stem cells from the liver, thymus, and bone marrow (hematopoietic stem cells) to create a model human immune system inside the rodent. Fetal tissue is in huge demand for humanized mice and they are a major part of cell-based therapy research.

Allograft: a transplant from the same species

Xenograft: a transplant from a different species

Stem Cell Types Isolated From Fetal Tissue:

Neural (brain)

Cardiac (heart)

Hematopoietic (liver, thymus, bone marrow)

Retinal Pigment Epithelial (RPE) (eyes)

Fibroblasts (skin, connective tissue)

Germ Progenitors (gonads, sperm/oocyte production)

Stem Cell Sources:

Autologous Stem Cells: stem cells from a patient's own body, usually multipotent

Embryonic Stem Cells (ESCs): stem cells taken from an embryo, pluripotent.

Expensive, scarce, and high propensity for tumorigenesis

Adult/Somatic Stem Cells: stem cells isolated from adult body tissue, usually multipotent

Fetal Stem Cells: stem cells isolated from fetal tissue

Induced Pluripotent Stem Cells (iPSCs): pluripotent stem cells reverse-engineered from regular adult cells

Direct Lineage Reprogramming: Use of biochemical factors to directly transform a differentiated cell from one lineage to another. For example, introduction of a specific antibody solution can turn bone marrow cells into neural cells.

EXHIBIT 15

City State Zip

E

Attendee Info for Ms. Brianna Allen

Reproductive Health 2013 (#1232892 - Thursday, September 19, 2013)

[Send Confirmation](#) [Generate Invoice](#) [Cancel Registration](#) [Generic Rep. Details](#) [Printable Schedule](#) [Print Badge](#) [End Check-in](#) • [More>>](#)

Personal Information

 Edit

ID: 60315655 Name as it would appear on the badge:

Status: Attended Membership Number:

Registrant Type: Nonmember Retired/Student/Resident Registration Customer Number:

Attendee: Ms. Brianna Allen Social Security Number:

Job Title: Clinical Assistant

Company/Organization: BioMax Date of Birth:

Country: United States Gender:

Address Line 1: 10929 Firestone Blvd Emergency Contact Name:

Address Line 2: City/State/ZIP: Norwalk, CA 90650 Emergency Contact Phone:

Work Phone: 5622815041 Tax Identification Number:

Extension: Other Contact Info

Home Phone: Name:

Fax: Phone:

Cell Phone: Email:



Cost: \$270.00



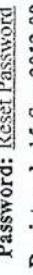
Registration directory opt-out: No



Secondary Email Address (cc Email):



Photo:



Password: Reset Password

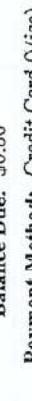
Registered: 15-Sep-2013 08:04 PM

Total Credits: 0.00



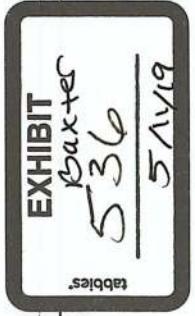
Total Charges: \$270.00

Balance Due: \$0.00



Payment Method: Credit Card (Visa)

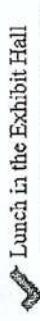
CC Number:


EXHIBIT
Boucher
534
5/19

Update	History	Custom Fields
 Email	 History	 Edit
Badge Name Brianna Allen	Badge Degree(s) Biology	Badge Organization/Institution BioMax
Badge City, State Nowalk, CA	BS Other degree(s)	Dietary Restrictions Details
		Gluten Free
		Hear about conference?
		Referral by colleague
		Agenda
		 Edit
		Concurrent Pre-Conference Session II Details
		Starts: September 19, 10:00 AM
		Ends: September 19, 12:45 PM
		I do not plan to attend pre-conference session I
		Concurrent Pre-Conference Session II Details
		Starts: September 19, 01:15 PM

Ends: September 19, 04:30 PM

I do not plan to attend pre-conference session II



Lunch in the Exhibit Hall

Starts: September 20, 12:30 PM

Ends: September 20, 02:00 PM

Concurrent Sessions Details

Starts: September 20, 02:00 PM

Ends: September 20, 04:30 PM

Abortion Care & Policy

Roundtable Discussion

Starts: September 21, 01:30 PM

Ends: September 21, 02:30 PM

Seizing Opportunities and Avoiding Pitfalls: Exploring the Intersections of Reproductive Justice and Clinical Practice (Lizza Fuentes, MPH, Elizabeth Gay, MPH, Alicia Luchowski, MPH, and Amy Hagstrom Miller)

Concurrent Sessions Details

Starts: September 21, 02:45 PM

Ends: September 21, 04:30 PM

Hot Topics in Reproductive Health

ARHP Donation

No, thank you

Merchandise



Quantity	Amount	Sub-Total
Subtotal of options selected	\$270.00	
Total:	\$270.00	

Transactions					
New Transaction					
Date	Type	Notes	Amount	Sub-Total	Add By
14062846	15-Sep-2013	Transaction Amount	\$270.00	\$270.00	Attendee
14062847	15-Sep-2013	Online Credit Card Payment *****5184 (Details)	-\$270.00	\$0.00	Attendee
		Total:	\$0.00		

Lodging + Travel + Additional Preferences					
Edit					

Registration Update History			
User	Section	Additional Notes	Date
reproductivehealth	Status		19-Sep-2013 12:24 PM
Attendee	Registration	Created	15-Sep-2013 08:10 PM

Email History			
Email Type	Subject	Action	Date
Admin confirmation notification	New Registration Summary For 9/15/2013 (1232892)	Sent	16-Sep-2013 12:02 AM
Registration Confirmation	Reproductive Health 2013 Registration Confirmation	Sent	15-Sep-2013 08:11 PM

Transaction Details

Type: Online Credit Card Payment
Amount: \$270.00
Credit Card Type: Visa
Credit Card Number: *****5184
Cardholder Name: Sofia Mireles

Merchant: Association of Reproductive Health Professionals

1300 19th Street, NW
Suite 200
Washington, DC 20036
US

202-466-3825

Order Information

Description: Reproductive Health 2013
Order Number:
Customer ID:

P.O. Number:

Invoice Number: 1232892-60315653

Billing Information

Sofia Mireles
348 Greystone Ave
MONROVIA, CA 91016
US
Phone: 5622815041
BRIANNA@BIOMAXPS.COM

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 270.00

Visa XXXX5184

Date/Time: 15-Sep-2013 19:10:37 PDT
Transaction ID: 5539760957
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Settled Successfully
Authorization Code: 359427
Payment Method: Visa XXXX5184

Merchant: Association of Reproductive Health Professionals

1300 19th Street, NW
Suite 200
Washington, DC 20036
US

202-466-3825

Order Information

Description: Reproductive Health 2013

Order Number:

Customer ID:

P.O. Number:

Invoice Number: 1232892-60314955

Billing Information

Sofia Mireles
348 E Greystone Ave
MONROVIA, CA 91016
US
Phone: 5622815041
SUSAN@BIOMAXPS.COM

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 775.00

Visa XXXX5184

Date/Time: 15-Sep-2013 18:38:01 PDT
Transaction ID: 5539712359
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Settled Successfully
Authorization Code: 337898
Payment Method: Visa XXXX5184

EXHIBIT 16

Providers and Patients want to give back.



About BioMax

BioMax Procurement Services, LLC is a biological specimen procurement organization headquartered in Norwalk, CA. BioMax provides tissue and specimen procurement for academic and private bioscience researchers. Our commitment is to provide the highest-quality specimens with efficient, professional service to facilitate world-changing discoveries.

Biosample and biospecimen donation can be a rewarding and empowering experience for patients and their healthcare providers.

If your hospital, private practice, or outpatient surgical facility is interested in becoming a donation center, please contact us! We are committed to maintaining a diverse and forward-thinking donor network.

BioMax respects the integrity of your medical practice and handles all donor center relationships discretely and professionally to protect patient privacy.

EXHIBIT
Burr
537
5/11/19
tabbies.



bioconcerned services, inc.

bioconcerned services, inc.

*Providing quality
biospecimens
for paradigm-shifting
medical research*

www.BioMaxPS.com

Don't Wait to change the World.

Regenerative medicine and cell-based therapies are the cutting-edge solution to curing disease, maintaining health, and improving quality of life for millions of people.

Even the best academic and private scientists have one problem in common— inadequate materials supply slowing down the research pipeline!

BioMax exists to change that, because your research is going to change the world.

Don't let problems with supply chain access stop your progress! Let us handle your next specimen procurement.

Procurement services:

BioMax can provide a variety of custom procurement services to your biomedical research team.

- Fetal tissue specimens
- Maternal blood
- Cadaveric tissue samples
- Cancer biopsies
- Adipose tissue
- Bone Marrow
- Peripheral blood
- Custom procurement

BioMax Procurement Services
is a new biotech company for a new era in medical research.

We are excited to provide the research material to empower your process of discovery.

Service Contact:

*Phone: 562.281.5041
Email: procurement@biomaxps.com
Web: BiomaxPS.com*

EXHIBIT 17

Subject: Fwd:
From: Brianna Baxter <[REDACTED]>
Sent: Tue, 14 Jan 2014 17:02:04 -0800
To: "david [REDACTED]"
[Brianna Leigh resume.docx](#)

Sent from my iPhone

Begin forwarded message:

> From: <brianna [REDACTED]>
> Date: January 14, 2014 at 3:50:34 PM PST
> To: Brianna Baxter [REDACTED]
>
>
>
> Sent from Windows Mail
>

p.MsoListParagraph, li.MsoListParagraph, div.MsoListParagraph { margin-top:0in; margin-right:0in; margin-bottom:0in; margin-left:.5in; margin-bottom:.0001pt; } p.MsoListParagraphCxSpFirst, li.MsoListParagraphCxSpFirst, div.MsoListParagraphCxSpFirst, p.MsoListParagraphCxSpMiddle, li.MsoListParagraphCxSpMiddle, div.MsoListParagraphCxSpMiddle, p.MsoListParagraphCxSpLast, li.MsoListParagraphCxSpLast, div.MsoListParagraphCxSpLast { margin-top:0in; margin-right:0in; margin-bottom:0in; margin-left:.5in; margin-bottom:.0001pt; line-height:115%; } -->

Sent from Windows Mail



Brianna Leigh

Objective

To secure a position at a company where I have the opportunity to utilize my skills in efficiency, organization, and leadership.

Education

Leigh High School, San Jose, CA – June 2011
Degree – High School Diploma

West Valley College, Saratoga, CA
Sophomore

I am very unsure of how to include this information in a resume, but this is my best guess
completed animal biology, cell biology, plant biology, general chemistry series, and first half of organic chemistry series
currently enrolled in second half of organic chemistry series, and human anatomy

Work Experience

Administrative Assistant

Tony Baxter Picture Framing
San Jose, CA

Dates: 2007 – present

Duties include receiving packages, answering phones and taking messages from customers or suppliers, and other various administrative tasks.

Child Care Provider

Independent
San Jose and Los Gatos, CA
Dates: 2007 – present

Duties include supervising anywhere from one to thirty children at a time; this involved overseeing parties, preparing meals, organizing activities, cleaning up various messes, providing fun and entertainment.

Client Care Specialist

Go Mobile Group Sprint Business Solutions Partner
San Jose, CA
Dates: November 2011 – June 2012
Duties include speaking with and assisting clients with any questions, concerns, or plan updates and changes.

Accomplishments/Interests/Volunteer Work

Heads up David, there are so many things in this section that cannot stay

Big time pro-life goody-two-shoes

Vacation Bible School Counselor
Home Church Junior Camp Counselor
Home Church Children's Ministry First and Second Grade Sunday School Teacher
Event Coordinator and Host for Home Church monthly missions luncheons
Member of the 2007 Home Church Mexico Missions Team
Spanish Language Speaker, beginner proficiency level
Leigh High School Junior Statesmen of America Chapter Secretary
Leo's Club Member

Leigh Live Action founding member and President
Leigh High School Home and School Club Scholarship winner
Performing Arts Parents Association Scholarship Award winner
Member of the 2011 Northern California Band Director's Association All-Northern Honor Band
Member of the 2010/2011 Leigh High School Spring Musical Orchestra
Principal bassoonist and soloist for the 2009/2010 CUHSD District Music Festival
Principal bassoonist and soloist for the 2010/2011 CUHSD District Music Festival Orchestra
California Scholarship Federation Life Member
Member of the 2011/2012 Survivors Campus Life Team
Classically trained bassoonist
Classically trained acrylic painter
2011/2012 Survivors of the Abortion Holocaust intern extraordinaire

EXHIBIT 18

Below: "Susan Tennenbaum" (real name unknown); "Brianna Allen" (real name unknown)

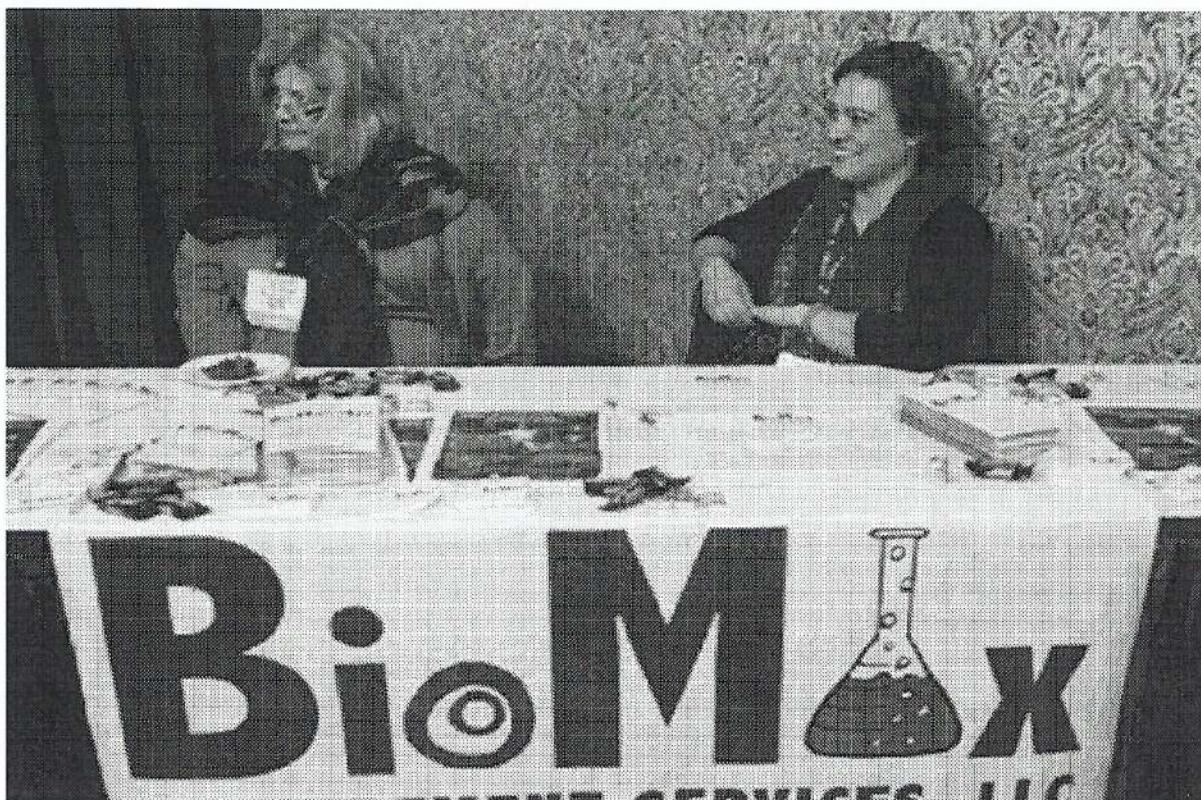


EXHIBIT 19

Message

From: Brianna Baxter
Sent: 7/30/2015 4:00:05 AM
To: David Daleiden
Subject: Re: Brianna Allen Credit Card Controversy

My facebook is all set, but there is a news article from a few years ago with a picture that I can't do anything about.

On Wed, Jul 29, 2015 at 8:42 PM, Brianna Baxter <[REDACTED]> wrote:
blerg :/

On Wed, Jul 29, 2015 at 8:01 PM, David Daleiden <[REDACTED]> wrote:
I think there was a photographer at NAF so they must have got the photo from those archives :/

On Wed, Jul 29, 2015 at 7:59 PM, Brianna Baxter <[REDACTED]> wrote:
Dangit!

Thanks for the heads up

On Wed, Jul 29, 2015 at 4:20 PM, David Daleiden <[REDACTED]> wrote:
May want to start hiding your FB

----- Forwarded message -----

From: **Father Claude Williams** <[REDACTED]>
Date: Wed, Jul 29, 2015 at 4:03 PM
Subject: Brianna Allen Credit Card Controversy
To: David Daleiden [REDACTED]

<http://rhrealitycheck.org/article/2015/07/28/exclusive-faces-fake-names-people-behind-planned-parenthood-attack-videos/>



EXHIBIT 20

Sent: Fri, 21 Feb 2014 11:22:13 -0800

From: David Daleiden <[REDACTED]>

To: brianna [REDACTED]

r1.jpg

r2.jpg

r3.jpg



CM03473

EXHIBIT RULES AND REGULATIONS

The following Rules and Regulations are expressly incorporated as part of this Agreement. Exhibitors, their officers, employees, and agents agree to abide and be bound by these Rules and Regulations.

1. Eligibility to Exhibit — Companies with an intended business interest in reaching reproductive health care professionals (including NAF provider members) are invited to participate in the National Abortion Federation's (NAF) Annual Meeting.

2. Exhibitor expressly acknowledges NAF's right to accept or reject applications for exhibit space for any reason, including (without limitation), at NAF's sole discretion, that the proposed exhibit or the exhibitor's business, products, services, or performance in the field are not consistent with NAF's purposes and objectives. NAF also reserves the right to request further information from any Exhibitors and/or persons or entities that have done business with Exhibitor in order to evaluate its application. Exhibitor expressly agrees to provide further information promptly if requested by NAF.

3. Refunds of the application fee and/or exhibit fee are made only as follows: the full amount of the exhibit fee paid will be refunded if the application is not accepted. A \$100.00 service charge will be deducted from each refund requested before March 21, 2014. No refunds will be made after March 21, 2014.

4. Arrangements for shipment of materials and equipment and other set up requirements are at the Exhibitor's sole expense.

5. Use of Space — No Exhibitor shall assign, sublet, or share the space allotted without the advance knowledge and consent of NAF. Exhibitors must show only products provided by them in the regular course of their business. All demonstrations or other sales and promotional activities must be confined to the limits of each exhibitor contracted exhibit space. Assigned areas of the conference venue remain strictly under control of NAF and signage, banners, or other advertising materials shall not be displayed. It is the Exhibitor's responsibility to bring a display that fits within the contracted space.

6. For the integrity of the tradeshow, all exhibits must be fully erected by 5:00 pm on Sunday, April 6. No exhibit shall be dismantled prior to 2:30 pm on Tuesday, April 8. Exhibits not installed by 5:00 pm on Sunday, April 6, may forfeit space at the exhibitor's expense. NAF reserves the right to make changes to the exhibitor dates and hours stated. NAF will inform each Exhibitor in advance if such schedule changes are made.

7. Care of Premises & Compliance/Exhibit Facility Regulations — No part of the exhibit nor signs or other materials may be pasted, nailed or otherwise affixed to walls, doors, or other surfaces in a way that might mar or deface the premises or exhibit furnishings. Nothing may be tipped, suspended from, or attached to any Westin St. Francis Avenue mechanical system. Damage from failure to observe this notice is payable by the exhibitor.

8. All exhibiting company representatives must be registered for the NAF Annual Meeting, and must wear identifying badges as requested by NAF. Such identification will be required to gain entry to the exhibit area and all meeting rooms. Exhibiting companies are limited to two (2) additional representatives per 8' x 8' exhibit booth.

9. Exhibitors shall comply fully with all applicable national, state, county, city, local fire and safety regulations, and any relevant labor contracts as well as any further rules and regulations NAF adopts.

10. Security will be provided by NAF for the conference period, including set up and dismantling. However, NAF makes no warranties and Exhibitors are responsible for any loss, damage, or injury to their exhibits, other property, or persons and/or any claim in any way arising out of their exhibiting at the Annual Meeting. Exhibitors expressly release NAF from any such responsibility or liability.

11. All insurance, including (without limitation), business interruption and public liability coverage are the sole responsibility of the Exhibitor. NAF does not maintain insurance covering Exhibitors, and Exhibitors expressly release NAF from any such responsibility or liability.

12. The Exhibitor agrees to indemnify and hold NAF harmless for any claims for loss, damage, or injury, including reasonable attorneys' fees, connected with the Exhibitor's exhibit at the Annual Meeting and expressly releases NAF from any such responsibility or liability.

13. Photography of exhibits by anyone other than NAF or the assigned Exhibitor of the space being photographed is strictly prohibited.

14. Exhibitor agrees to display and/or represent their products and/or services in a dignified and decorous manner. Any display or conduct that, at NAF's sole discretion, is not in keeping with the general decorum of the Annual Meeting and/or purposes and objectives of NAF, is grounds for removal of the exhibit, by the Exhibitor, at the Exhibitor's expense, promptly upon notification by NAF. Promotional activities by Exhibitors include, but are not limited to, any conduct or attention-getting devices of any kind that annoy, distract, or in any way interfere with other exhibits.

15. Exhibitor agrees to identify, display, and/or represent their businesses, products, and/or services truthfully, accurately, and consistently with the information provided in the Application. Any display, conduct, or offer of any information of any kind that, at NAF's sole discretion, is determined to be incomplete, inaccurate, misleading, or inconsistent with the information provided in this Application is grounds for cancellation of this Agreement and/or removal of the exhibit by the Exhibitor, at the Exhibitor's expense, promptly upon notification by NAF. Exhibit staff who purchase an educational pass to attend educational content are not to engage in promotional activities within the CME activity or in any space outside the exhibit hall.

16. No refunds or fees will be made in the case of cancellations or removal of exhibits pursuant to paragraphs 14 and 15 of these Rules and Regulations. Additionally, Exhibitors agree to reimburse NAF for all costs incurred by NAF, including reasonable attorneys' fees, in handling or responding to any violations of any provision of this entire Agreement.

17. In connection with NAF's Annual Meeting, Exhibitor understands that any information NAF may furnish is confidential and not available to the public. Exhibitor agrees that all written information provided by NAF, or any information which is disclosed orally or visually to Exhibitor, or any other exhibitor or attendee, will be used solely in conjunction with Exhibitor's business and will be made available only to Exhibitor's officers, employees, and agents. Unless authorized in writing by NAF, all information is confidential and should not be disclosed to any other individual or third parties.

18. It is further understood and agreed by Exhibitor that no failure or delay by NAF in exercising any right, power, or privilege hereunder shall operate as a waiver hereof, nor shall any single or partial exercise thereof preclude any other or further exercise of any right, power, or privilege hereunder. Exhibitor also understands and agrees that monetary damages would not be a sufficient remedy for any breach of this agreement by Exhibitor or Exhibitor's officers, employees, or agents and that NAF will be entitled to specific performance and injunctive relief as remedies for any such breach. Such remedies shall not be deemed to be exclusive remedies for breach of this Agreement by Exhibitor or Exhibitor's officers, employees, or agents, but shall be in addition to all other remedies available at law or equity.

19. By signing this Agreement, the Exhibitor affirms that all information contained herein, contained in any past and future correspondence with either NAF and/or in any publication, advertisements, and/or exhibits displayed at, or in connection with, NAF's Annual Meeting, is truthful, accurate, complete, and not misleading.

20. Changes in the information provided to NAF are permitted only upon NAF's written approval. Exhibitors agree to notify NAF of any such proposed changes at least 10 days prior to the commencement of the exhibit. NAF, at its sole discretion, may cancel this agreement, if (1) NAF does not approve the changes or (2) notification of the changes is less than 10 days before the exhibit.

I agree to comply with Exhibitor Rules and Regulations 1-20. I also agree to hold in trust and confidence any confidential information received in the course of exhibiting at the NAF Annual Meeting and agree not to reproduce or disclose confidential information without express permission from NAF. Violation of this paragraph could result in civil and/or criminal penalties.

Company Name: BioMax Procurement Services
Signature: Susan Teigenbaum
Print Name: Susan Teigenbaum
Title: CEO
Date: 2/5/14

Submit contract and payment or payment information by mail or fax to:

National Abortion Federation
Attn: Michelle Davis
1680 L Street, NW, Suite 450
Washington, DC 20036
Phone: 202-667-5881 ext 410
Fax: 202-667-5891

ACCREDITED NATIONAL ABORTION FEDERATION

Signature: _____
Print Name: Michelle Davis
Title: Group Purchasing Manager
Date: _____
Exhibit Assignment: _____

ANNUAL MEETING REGISTRATION FORM

Each exhibitor attending per conference who lists all exhibitors or non-hotel institutional ticketed events must fill out a separate annual registration form.

NAF Annual Meeting

NAF Pre-Conference Events

SATURDAY, APRIL 5, 2014

Full Day Sessions

Second-Trimester Abortion Workshop \$345 \$370 \$345

NAF Independent Providers' Meeting \$245 \$270 \$_____

NAF Canadian Providers' Meeting \$175 \$195 \$_____

Half Day Sessions

(Please indicate if you plan to attend each session for payment)

Basis of First-Trimester Abortion Workshop, 9:00am - 1:00pm

Standard Registration \$175 \$200 \$_____

Medical, Nursing, or Clinical Student \$100 \$125 \$_____

Clinicians for Choice Day, 1:00pm - 5:30pm

NP, CNM, PA, or Nurse \$135 \$160 \$_____

NP, CNM, PA, or Nursing Student \$80 \$105 \$_____

Full-Day Combo Registration, 1:00pm - 5:30pm

Standard Registration \$275 \$300 \$_____

NR, CNM, PA, or Nurse \$150 \$175 \$_____

Latin American Providers' Meeting, 1:00pm - 5:00pm

Standard Registration \$50 \$65 \$_____

Box Lunch for Saturday \$66 \$_____

APRIL 6, 2014

Full Day Sessions

(Please indicate if you plan to attend each session for payment)

Counseling Skills Workshop

Standard Registration \$275 \$325 \$_____

Medical, Nursing, or Clinical Student \$150 \$200 \$_____

Post-Graduate Seminar: Pre-Procedure Preparation and Evaluation

NAF Member, Physician \$335 \$385 \$_____

NAF Member, Non-physician \$285 \$335 \$_____

Third or more non-physician from the same NAF facility site* \$255 \$305 \$_____

NAF Retiree Member \$170 \$220 \$_____

Non-member, Physician \$560 \$610 \$_____

Non-member, Non-physician \$435 \$485 \$_____

Resident \$200 \$250 \$_____

Medical, Nursing, Clinical, or Law Student \$150 \$200 \$_____

Half Day Session

Social Scientists' Research Meeting, 1:00pm - 5:00pm:

I plan to attend \$50 \$65 \$_____

Box Lunch for Sunday \$66 \$_____

Welcome Reception

No charge to Annual Meeting registrants. Please indicate if you plan to bring a guest.

I will bring a guest(s) Number: _____ x \$60 each \$_____

Guest(s) Name, Affiliation, and Title (for badges):

MONDAY AND TUESDAY, APRIL 7-8, 2014

(Please indicate if you plan to attend each day)

NAF Member, Physician \$525 \$575 \$_____

NAF Member, Non-physician \$445 \$495 \$_____

Third or more non-physician from the same NAF facility site* \$395 \$445 \$_____

NAF Retiree Member \$310 \$360 \$_____

Non-member, Physician \$975 \$1,025 \$_____

Non-member, Non-physician \$745 \$795 \$_____

Resident \$385 \$435 \$_____

Medical, Nursing, Clinical, or Law Student \$225 \$275 \$_____

MONDAY SPECIAL EVENTS

Membership Luncheon

I plan to attend \$70 \$_____

Number of guests _____ x \$105 each \$_____

Guest(s) Name, Affiliation, and Title (for badges):

Box Lunch for Tuesday \$66 \$_____

MEDICAL & NURSING STUDENTS' SCHOLARSHIP FUND

Your generosity subsidizes reduced registration fees for medical and clinical students attending the conference.

I wish to donate the following amount: \$_____

Total \$_____

TOTAL FEES

NAF Reserves the right to recalculate incorrect totals.

\$2890

Total fees for Exhibitor Space

\$345

Total fees for Annual Meeting Registration

\$3235

Total Due NAF \$3235

Enclosed is my check for \$_____

Charge total fees to my:

VISA MasterCard American Express

4815 8900 0006 6028

Card number

9/17

015

Expiration date

015

Name of card holder

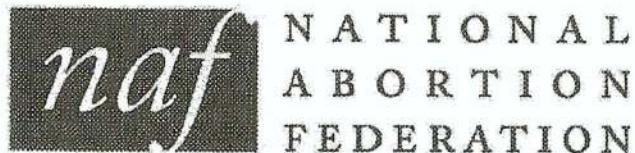
Phil Cronin

Signature of card holder

Address on back of card

*Third or more registrations must be received at the same time.

EXHIBIT 21



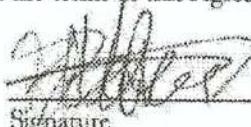
CONFIDENTIALITY AGREEMENT FOR NAF ANNUAL MEETING APRIL 5 – 8, 2014

It is NAF policy that all people attending its conferences (Attendees) sign this confidentiality agreement. The terms of attendance are as follows:

1. **Videotaping or Other Recording Prohibited:** Attendees are prohibited from making video, audio, photographic, or other recordings of the meetings or discussions at this conference.
2. **Use of NAF Conference Information:** NAF Conference Information includes all information distributed or otherwise made available at this conference by NAF or any conference participants through all written materials, discussions, workshops, or other means. NAF Conference Information is provided to Attendees to help enhance the quality and safety of services provided by NAF members and other participants. Attendees may not use NAF Conference Information in any manner inconsistent with these purposes.
3. **Disclosure of NAF Materials to Third Parties:** Attendees may not disclose any NAF Conference Information to third parties without first obtaining NAF's express written consent, which will not be unreasonably withheld. An Attendee may distribute NAF Conference Information to the Attendee's employees without written consent, provided that the Attendee instructs each such employee concerning the Attendee's obligations under this Agreement. Attendees are responsible for ensuring that any third party (including employees) to whom it discloses NAF Conference Information complies with the terms of this Agreement, and are subject to enforcement, as described below, if any such third party (including employees) fails to comply.
4. **Requests for disclosure of NAF Conference Information:** Upon learning that NAF Conference Materials are or are likely to become the subject of a discovery request in a judicial, legislative, administrative, or other legal proceeding or investigation, Attendees must: (a) immediately notify NAF, (b) cooperate with NAF (if NAF so requests) in taking all lawful steps to resist or narrow the request or requirement, and (c) if disclosure is required or deemed advisable by NAF, cooperate with NAF in obtaining a protective order or other reliable assurance that the NAF Conference Information will receive confidential treatment.
5. **Inadvertent Disclosure of NAF Conference Information:** In the event that an Attendee discovers that he or she has inadvertently disclosed any NAF Conference Information to any third party without having first obtained NAF's express written permission, the Attendee must immediately notify NAF and shall cooperate with NAF in retrieving the NAF Conference Information or taking other reasonable steps to prevent further unauthorized disclosure.
6. **Enforcement:** NAF reserves the right to terminate the membership (where applicable) of any Attendee found to violate this agreement and/or take legal action to seek redress for any violations of this Agreement.

By signing below, you hereby agree to comply with all of the terms of this Agreement:

Brianna Allen
Name (Please print clearly.)


Signature

4/5/14
Date

B.O. Max
Name of Organization

Professional Title



NAF0000379

EXHIBIT 22

Transcript of 140405_001_11700-11820.mp3

NAF Employee: And then if you could fill out the confidentiality agreements.

Merritt: That's what I did not read, but they said that it's OK.

NAF Employee: Nah, you're [inaudible].

Allen: Do you have a pen? Make sure I don't forget this here.

NAF Employee: There's your [inaudible].

Allen: Oh no, that's... There we go.

Merritt: I'm hoping that they'll let me—so I'm registered, you're not for the—but I'm hoping we can switch out 'cause I'm about ready to fall asleep.

Allen: What did we decide my title was again?

Merritt: You don't have one, my dear.

Allen: [inaudible] just change...

Allen: Today is the fifth?

Merritt: Niece. Yes.

Allen: Is there a back?

NAF Employee: Nope, that's it. Thank you. This is your badge and the lanyard to hook up your badge on is in the bag.

Merritt: Thanks.



EXHIBIT 23

Brianna Allen
Procurement Assistant
brianna@biomaxps.com

562.281.5041 o
562.354.1806 c



EXHIBIT 24

Sent: Tue, 8 Jul 2014 21:58:30 -0700

Subject: Reimbursement?

From: David Daleiden <[REDACTED]>

To: brianna [REDACTED]

CMPcontract2014BB.pdf

Hi Brianna!

I hope you are well! School is over, right?

I don't think I ever got any claims for reimbursement from you. Is there anything outstanding from the trip in April? Otherwise, I think I owe you \$500 for the operation; if you can just sign the same contract as last time (back date to April 3, 2014 or so) I can send that.

Thanks!

-David



INDEPENDENT CONTRACTOR AGREEMENT

This Contractor Agreement ("Agreement") is effective as of _____ ("Effective Date") by and between **THE CENTER FOR MEDICAL PROGRESS**, a California corporation, as one Party and **BRIANNA BAXTER**, ("Contractor") as the other Party to this Agreement.

THE CENTER FOR MEDICAL PROGRESS AND CONTRACTOR HEREBY AGREE AS FOLLOWS:

- 1. Services.** Contractor shall provide certain services for The Center for Medical Progress as an independent contractor (including, without limitation, services such as investigative research and journalism, expert analysis, and other similar services ("Services")). The Services will be described in separate addenda executed by both Parties or mutually-acknowledged e-mails, each of which will be deemed to be incorporated into and a part of this Agreement (each, an "**Attachment**").
- 2. Contractor.** Contractor is not an employee of The Center for Medical Progress and will be solely responsible for payment of Contractor's own taxes, Social Security and expenses, and will not be entitled to receive any benefits from The Center for Medical Progress. Neither Party nor their employees are agents, employees or joint venturers of the other Party and neither Party shall have any authority to bind the other Party to any obligation by contract or otherwise. Contractor hereby agrees and acknowledges that nothing herein shall be deemed to prevent, limit or restrict The Center for Medical Progress's option to allocate projects between and among its Contractors at its discretion.
- 3. Subcontractors.** Contractor agrees not to hire or engage any subcontractors to assist in the performance of the Services except with the express written permission of The Center for Medical Progress.
- 4. Compensation and Reimbursement.** The Center for Medical Progress agrees to pay Contractor:
 - (a) Compensation: The Center for Medical Progress agrees to pay Contractor \$500 for undercover work in the field from April 5 to April 8, 2014. Completeness of work product shall be determined by The Center for Medical Progress in its sole discretion, and Contractor agrees to make all revisions, additions, deletions or alterations as requested by The Center for Medical Progress.
 - (b) Reimbursement: Upon presentation of receipts or records of purchase, The Center for Medical Progress shall reimburse Contractor for any travel or equipment expenses reasonably incurred by Contractor for the purpose of, and in connection with, Contractor's performance of Services for The Center for Medical Progress pursuant to this Agreement. No other fees and/or expenses will be paid to Contractor, unless such fees and/or expenses have been approved in advance by The Center for Medical Progress in writing.

5. Intellectual Property Rights. Contractor agrees that all video, audio, and photographic materials, and any other work product or deliverables (“**Work Product**”) created and/or delivered to The Center for Medical Progress in connection with the Services performed by Contractor, are intended to be and remain the sole property of The Center for Medical Progress. Contractor hereby assigns to The Center for Medical Progress any and all right, license, copyright, title and interest in or to any Work Product as described above throughout the world in any and all media now existing or hereafter created for any and all uses without any additional consideration. Without prejudice and subordinate to the foregoing assignation, the Parties acknowledge and agree that any right, license, copyright, title or interest in and to the Work Product that constitute copyrightable aspects shall be deemed “works made for hire” (as that term is commonly understood and as specifically defined under 17 U.S.C. §101). If any copyrightable aspect is deemed not to be a “work made for hire” by a court of competent jurisdiction, then Contractor hereby expressly and automatically assigns to The Center for Medical Progress the ownership of all rights, licenses, copyrights, title and interests in or to such copyrightable aspects throughout the world in any and all media now existing or hereafter created and for any and all uses. The Center for Medical Progress shall have the right to obtain and hold in The Center for Medical Progress’s own name (without obligation of any kind to Contractor), any patents, copyrights or other protection which may be available or become available with respect to such items. Contractor further agrees to give The Center for Medical Progress and The Center for Medical Progress’s designees or assignees all assistance reasonably required to perfect such rights, licenses, copyrights, titles and interests. Contractor hereby appoints The Center for Medical Progress, as Contractor’s attorney-in-fact for the purpose of securing intellectual property protection, applying for any intellectual property registrations, and any related or similar purposes with respect to the Work Product. For clarity, The Center for Medical Progress does not acknowledge that Contractor holds any right, license, copyright, title or interest in or to the Work Product. These obligations shall survive and continue beyond the termination or expiration and/or non-renewal of this Agreement and shall be binding upon Contractor’s successors, assigns, heirs, executives, administrators and other legal representatives. The Center for Medical Progress shall be under no obligation to publish, distribute or otherwise exploit the Work Product.

6. Return of Work Product. Upon completion of the Services, termination of this Agreement or at The Center for Medical Progress’s request, Contractor shall promptly return or deliver to The Center for Medical Progress any and all Work Product of any kind including, without limitation, any and all video or audio materials, software programs, documents, articles, books, photographs, disks or diskettes, drawings, or any other materials of any kind or nature. Contractor further agrees that no Work Product may be used by Contractor or any third party in any fashion other than for the expressed purpose of fulfilling the applicable Services without The Center for Medical Progress’s prior written approval (which approval may be withheld in The Center for Medical Progress’s sole discretion). For avoidance of doubt, Contractor shall not sell, offer to sell or otherwise make available the Work Product or any portion thereof to any third party. Contractor may perform Services for multiple projects for The Center for Medical Progress and all such Services are subject to the terms of this Agreement and the

applicable Attachments.

7. Ownership of Equipment. All equipment provided by The Center for Medical Progress to Contractor for the performance of Services shall remain under the sole ownership of The Center for Medical Progress. Upon completion of the Services, termination of this Agreement or at The Center for Medical Progress's request, Contractor shall promptly return or deliver to The Center for Medical Progress any and all equipment provided for the performance of Services.

8. Representations and Warranties. Contractor represents, warrants and covenants that:

- (a) all Services will be performed in a timely, professional and workmanlike manner consistent with best industry practices and consistent with the protocols of The Center for Medical Progress;
- (b) no Services shall be performed while under the influence of drugs or alcohol;
- (c) Contractor is legally competent to enter into this Agreement.

9. Confidential Information. Contractor recognizes that The Center for Medical Progress has acquired and will be developing certain advertising techniques and terms, business plans, models and strategies, donor lists and information, contact lists and information, referral sources, databases, web site information, software, marketing plans and analyses, research techniques and strategies, financial information and projections, trade secrets, know-how, systems, methods and other information of a technical, scientific, investigative, journalistic, or other nature (including, without limitation, (i) investigative research and analysis, journalistic notes and writings, surveillance studies, trade secrets, know-how and information relating to the science, technology, political studies, written works, operations plans, media projects, promotional activities, finances, and other affairs of The Center for Medical Progress, and (ii) the identity of operations and research associates, research subjects, research facilities, fellow researchers and journalists, and the providers or sources of information or documentation for any research by The Center for Medical Progress), that may be disclosed by The Center for Medical Progress to Contractor or that is otherwise learned by Contractor in the course of Contractor's discussions or dealings with, or Contractor's physical or electronic access to the premises of, The Center for Medical Progress, and that The Center for Medical Progress has identified as being proprietary and/or confidential or that by the nature of the circumstances surrounding the disclosure or receipt ought to be treated as proprietary and confidential (including the Work Product, specific Services, and this Agreement, "**Confidential Information**"). Contractor agrees that, upon termination of this Agreement for any reason, Contractor will immediately deliver to The Center for Medical Progress all documentation, computer files or other items containing or relating to Confidential Information as well as any other matters which may involve the operations of The Center for Medical Progress or any of its associates, together with all copies thereof, irrespective of whether Contractor created the same or was involved with the

same and that Contractor will neither copy nor take any such materials or items. Contractor further agrees that Contractor will not at any time, either while acting as a Contractor to The Center for Medical Progress, or after termination of this Agreement, for any reason, directly or indirectly, reveal Confidential Information to any other person, corporation or entity or otherwise use the Confidential Information for Contractor's own benefit or the benefit of any other person. Contractor hereby acknowledges that Contractor may become aware of confidential information of third parties with which The Center for Medical Progress cooperates from time to time (including, without limitation, associates, partners, employees, officers and other contractors), and Contractor agrees to treat all such confidential information as Confidential Information hereunder.

10. Indemnification; Waiver. Contractor shall defend, indemnify and hold harmless The Center for Medical Progress, its subsidiaries, affiliates, and their respective officers, directors, agents, employees, sponsors and television or other exhibitors from and against any and all claims, causes of actions or allegations for judgments, losses, liabilities, damages, costs or expenses (including reasonable attorneys' fees) arising out of: (a) the acts or omissions of Contractor; (b) a breach of any warranty, representation or other provision of this Agreement by Contractor; or (c) any infringement, violation or misappropriation of any third party rights; provided that, in each case, Contractor shall not be responsible to the extent any of the foregoing arise solely out of a change or alteration of the Work Product made by The Center for Medical Progress after delivery by Contractor to The Center for Medical Progress. The Center for Medical Progress shall not, under any set of circumstances, be liable to Contractor for any indirect, special or consequential damages. Contractor shall be solely responsible for any and all damages, accidents, liabilities, destruction of personal property, injuries and/or deaths caused by Contractor or the performance of the Services, and as such, Contractor shall defend and indemnify The Center for Medical Progress from and against any claims arising out of any of the foregoing.

11. Term and Termination. Contractor agrees to work on an on-going, at-will basis. Either party may terminate this Agreement, with or without cause, immediately upon written notice to the non-terminating party. Contractor shall be paid only for Services rendered prior to notice of termination.

12. Governing Law. This Agreement shall be governed by the laws of the State of California.

13. Severability; Enforcement; No Waiver. If any provision of this Agreement shall be deemed invalid or unenforceable, in whole or in part, this Agreement shall be deemed amended to delete or modify, as necessary, the invalid or unenforceable provision to render it valid, enforceable and, insofar as possible, consistent with the original intent of the Parties. The failure of a Party to require performance of any obligations of the other Party hereunder shall not be deemed a waiver and shall not affect its right to enforce any provision of this Agreement at a subsequent time.

14. Headings. Titles and headings to sections in this Agreement are inserted for convenience of reference only and are not intended to affect the interpretation or

construction of this Agreement. If an ambiguity or question of intent arises, this Agreement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring either Party by virtue of authorship of any of the provisions of this Agreement.

15. Counterparts. This Agreement entered into hereunder may be executed in one or more duplicate counterparts (including by facsimile and/or e-mail .pdf), each of which shall be deemed an original, but which collectively shall constitute one and the same instrument.

16. Amendment. Any term or provision of this Agreement may be amended, and the observance of any term of this Agreement may be waived, only by mutual written agreement of the Parties thereto.

17. Entire Agreement. This Agreement (including all Attachments) constitutes the entire understanding and agreement of the Parties, whether written or oral, and supersedes all prior and contemporaneous agreements or understandings between the Parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the Parties have signed this Agreement as of the Effective Date.

**THE CENTER FOR MEDICAL
PROGRESS**

CONTRACTOR

Chief Executive Officer	_____
Date:	Date:
Mailing Address:	Mailing Address:
5325 Elkhorn Blvd #305 Sacramento, CA 95842	

EXHIBIT 26

Message

From: David Daleiden [REDACTED]
Sent: 8/14/2014 10:50:45 PM
To: Scott Turicchi [REDACTED]
Subject: Re: I seeing George in an hour - any update or anything I can show him?
Attachments: Project Completion Roadmap.pdf

Please show him this Project Completion Roadmap, which is the plan and funding request we're working off of right now to have the project completed and public this winter.

Thanks Scott!

-David

On Thu, Aug 14, 2014 at 3:44 PM, David Daleiden <[REDACTED]> wrote:

Update:

-working with Phill Kline (former Attorney General prosecuted PP) preparing to present evidence to multiple District Attorneys in 3 jurisdictions of interest this fall

-we have video evidence implicating PP at the highest levels in multiple felonies

-preparing another infiltration op to snare top PP leaders

-excellent video editor has been hired to work on existing footage for YouTube shorts and longer documentary

Previews:

These videos show PP's top abortion doctor and national Medical Director discussing payment for fetal tissue, altering abortion procedures to supply intact specimens, apparent use of illegal partial-birth abortion procedure

1) (password: [REDACTED] [http://vimeo.com/\[REDACTED\]](http://vimeo.com/[REDACTED])

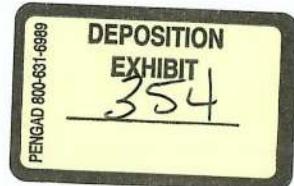
2) (password: [REDACTED] [http://vimeo.com/\[REDACTED\]](http://vimeo.com/[REDACTED])

Most immediate funding needs:

\$10k for infiltration in 2 months

\$10k for video editor retainer to do all footage

On Thu, Aug 14, 2014 at 3:34 PM, Scott Turicchi <[REDACTED]> wrote:





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The Center for Medical Progress – Project Completion Roadmap

Abstract

Since January 2013, The Center for Medical Progress has been conducting a long-term, comprehensive investigation of the illegal trafficking in aborted baby parts by Planned Parenthood and its abortion industry allies. The project has logged thousands of research hours, infiltrated multiple high-level abortion industry meetings, recorded several dozens of hours of undercover video and audio, obtained hundreds of pages of supporting evidence, and carried out extensive interviews with inside sources.

The project is building a body of evidence that will be strong enough to trigger criminal prosecution and civil litigation against Planned Parenthood, to precipitate pro-life political and cultural ramifications, and to generate massive negative publicity and permanent brand damage to Planned Parenthood when the revelations become public.

There are several final undercover stings and infiltrations necessary to complete the body of evidence. Existing footage needs to be produced into a format ready for presentation to the public. The entire project could be finished and ready for release in 6 months for \$50,000.

Remaining Components:

1. Follow-Up Stings

The project's front corporation has become a known and trusted entity to many important individuals in the upper echelons of the abortion industry, including key Planned Parenthood leaders. We need to leverage these contacts to secure follow-up meetings with medical directors at strategic Planned Parenthood affiliates to discuss fetal tissue procurement contracts at length.

There are 6 top-priority targets based on our contacts with them, their known history with fetal trafficking, and their political context. Our goal is to have sit-down, in-person meetings with all of them to record their agreement to specific fetal tissue sale arrangements. This will require multiple, brief out-of-state trips for a team of two operatives.

2. Conference Infiltration:

There are 3 major Planned Parenthood-affiliated meetings each year: *Reproductive Health* (Association of Reproductive Health Professionals), the *National Abortion Federation Annual Meeting* (NAF), and the *North American Forum on Family Planning* (Society of Family Planning/PPFA). We have infiltrated the first two, and

been invited to exhibit at the third this October by PPFA's Senior Director of Medical Services. Multiple Planned Parenthood representatives have told us that the medical directors of all the Planned Parenthood affiliates attend the SFP/PPFA meeting, and that this will be the best place to make contact with the affiliates who are most interested in supplying baby parts. This meeting will give further access to PP representatives encountered previously and generate new contacts and leads for additional follow-up, deepening Planned Parenthood's implication in fetal trafficking. We also expect it to yield valuable information on the internal operations and strategies of Planned Parenthood's abortion program.

3. Footage Production:

We currently have dozens of hours of undercover footage illustrating how Planned Parenthood and other abortion industry insiders participate in the sale of aborted fetal parts. This footage includes one-on-one conversations, instructional videos, presentations, and phone calls. As described in (1) and (2), we anticipate obtaining many more hours of undercover footage before the end of the project, potentially doubling the quantity of video. We are also recording formal interviews with real-life witnesses to fetal tissue procurement and sales.

The best segments of footage need to be produced into clear, professional packages that can be easily presented to the public. We envision two presentation formats: the first, a collection of ~5-minute YouTube "gotcha" videos (we already have enough material for at least 10 such videos), and the second, a short-film documentary treatment that integrates undercover footage with real-world supporting evidence to tell the story of Planned Parenthood's sale of body parts. We have identified and interviewed an accomplished local video editor who is an excellent fit for the project.

4. Other Media Release Materials:

Several other elements also need to be in place before this project is presented to the public. We need a clean, professional website for the public and especially the media to easily access background information and further supporting documentation on the phenomenon of fetal trafficking. This will include fact sheets for lawmakers and opinion-shapers, banners and graphics for sharing on social media, and an online indexed and annotated catalogue of the real-world abortion industry emails, files, records, and publications that document the supply, sale, and use of aborted fetal parts. We already have an extensive archive of such materials, but over the next 6 months are logging more research hours to further recover and describe this paper trail.

Timeline

Considering the work remaining to be done, CMP can make this project ready for public release in December 2014 or January 2015, whichever ends up being more advantageous. The involvement of at least one District Attorney and his or her prosecutorial investigation is expected to commence this summer and be advanced enough to allow public release of project in the winter. If a prosecutor should advise that it is advantageous to delay public release of the project for a time further, we believe the eventual public release will still be best served by having everything prospectively ready by December/January.

The longer this project continues, the greater the risk that at some point, the opposition may catch on. For this reason, it is imperative that the remaining undercover components be executed as soon as possible, while the window of opportunity to obtain more footage is still comfortably open. Given the nature of this work, the best defense against preemptive damage control from the opposition is a good offense, so having project materials ready in advance for public release is a necessary precaution.

Funding Needs

Item	Cost
Follow-Up Stings	\$15,000
<i>Hotel: \$200</i>	<i>(6x) \$2,500</i>
<i>Flights: \$1,000</i>	
<i>Food/Travel: \$500</i>	
<i>Actors: \$500</i>	
<i>Costume/Prop/Misc: \$300</i>	
Conference Infiltration	\$10,000
<i>Exhibitor Reg: \$3,000</i>	
<i>Hotel: \$1,000</i>	
<i>Flights: \$1,000</i>	
<i>Actors: \$3,500</i>	
<i>Props/Supplies: \$1,500</i>	
Contract Research	\$15,000
Video Production	\$10,000
TOTAL	\$50,000

EXHIBIT 27

archive.today

webpage capture

Saved from <http://web.archive.org/web/20080704070411/http://mttu.com/Articles/Execution%20of%20Paul%20Hill%20Nothing%20Less%20th>

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4 Jul 2008 07:04:11 UTC

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MTTU NEWS

Prolife News for the Church Active

**Operation Rescue West
California Life Coalition**

Joint Press Release

For Immediate Release

September 3, 2003

Contact: Troy Newman, Director, Operation Rescue West (316) 841-1700

Cheryl Sullenger, Director, California Life Coalition (619) 277-0725

Execution of Paul Hill Nothing Less than Murder

Paul Jennings Hill is scheduled to die by lethal injection today in the state of Florida for the murder of a Pensacola abortionist and his security guard in 1994. The following is a joint statement released by Operation Rescue West and the California Life Coalition regarding today's execution:

"Today's scheduled execution of Paul Hill is not justice, but is another example of the judicial tyranny that is gripping our nation. A Florida judge denied Rev. Hill his right to present a defense that claimed that the killing of the abortionist was necessary to save the lives of the pre-born babies that were scheduled to be killed by abortion that day. Our system of justice is based upon 'innocent until proven guilty,' but in Rev. Hill's case, there was no justice because the court prevented him from presenting the legal defense that his conduct was justifiable defensive action.

"There are many examples where taking the life in defense of innocent human beings is legally justified and permissible under the law. Paul Hill should have been given the opportunity to defend himself with the defense of his choosing in a court of law. Because he was denied this right, the full truth and motivations behind Hill's actions were kept hidden from the jury. If Paul Hill's life can be taken by the state without the full advantage of the protections afforded him by due process simply because of the unpopularity of his views, then we have to wonder who is next? No one is safe from being denied a defense by an out-of-control and biased judicial system. Execution under these circumstances is nothing less than murder of a political prisoner.

"We pray for Paul Hill today, for his wife and children, and for our nation that sees no value in the lives of the innocent victims of abortion that Hill endeavored to rescue, but instead protects and defends their killers. Today, it is justice that has been aborted. May God have mercy on us!"

Back to

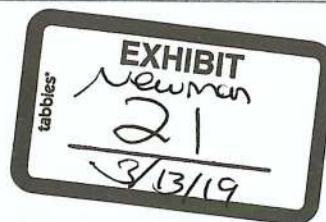
Missionaries to the UNBORN

EXHIBIT 28

AbortionDocs.org
THE LARGEST COLLECTION OF DOCUMENTS ON AMERICA'S ABORTION CARTEL

HOME MISSION DONATE CONTACT US CONTRIBUTE DISCLAIMER DEFINITIONS WORST OFFENDERS

ABORTION STATS 2018

Surgical Abortion Clinics = 493
Abortion Pill Clinics = 226
Abortionists = 1105
Documents = 1762
CLOSED



DEBORAH L. NUCATOLA

OTHER INFO

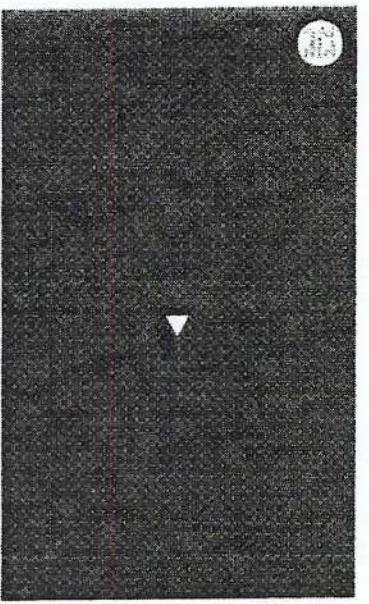
Former abortionist at Bixby Health Center
Planned Parenthood article - Deborah L. Nucatola
Planned Parenthood Official Taped Discussing Sale of
Aborted Baby Body Parts

Surgery: Yes
Medication: Yes

PHOTOS



VIDEO



DOCUMENTS

LICENSES

DEBORAH NUCATOLA CA PROFILE
Profile for medical license in California.

DEBORAH NUCATOLA CA APPS
Application for medical license in California.

DEBORAH NUCATOLA NY PROFILE (1)
Profile for medical license in New York.

DEBORAH NUCATOLA NY PROFILE (2)
Profile for medical license in New York.

MALPRACTICE HISTORY

Abortionist Deborah Nucatola discusses harvesting body parts from aborted babies.



 **MEESE V PP NEW YORK**
Summer, 2016

 **MISC DOCUMENTS**

 **THOMAS V PP HUDSON PECONIC**
Nucatola as expert, 2011

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Pro Life Web Design

Planned Parenthood Official Taped Discussing Sale of Aborted Baby Body Parts | Breitbart

Austin Ruse

An undercover video shot last summer by a new pro-life organization called Center for Medical Progress purports to show the chief medical officer of Planned Parenthood of America talking on camera about how to abort a child intact so the child's body parts can be transferred for medical and scientific research.

The video was shot by a team led by David Daleiden of the Center for Medical Progress posing as representatives of a start up biotech firm in the business of buying fetal body parts for medical and scientific research. Daleiden told Breitbart News, "It was remarkably easy to make contact with Planned Parenthood" to discuss procurement of fetal tissue.

Video Player is loading.

Current Time 0:00

Duration 1:46

Beginning of dialog window. Escape will cancel and close the window.

Text
 ColorTransparency

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Color Transparency
Window
Color Transparency
Font Size
Text Edge Style
Font Family

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The video purports to show, between bites of lunch and sips of wine, Dr. Deborah Nucatola saying, "A lot of people want intact hearts these days, because they are looking for specific nodes."

She adds: "Yesterday was the first time she said people wanted lungs. And then, like I said, always as many intact livers as possible. People just want some people want lower extremities, too. I mean that's easy. I don't know what they're doing with it, I guess they want muscle."

In the 8-minute edited video released today by the Center for Medical Progress, Nucatola can be seen and heard discussing her ongoing relationship with another company called [StemExpress](#) that works as a middleman in the buying and selling of fetal tissue, a process that is legal so long as any moneys exchanged are strictly for expenses and not for profit.

The video also shows what is purported to be an actual online order form from Stem Express complete with a pull-down menu for "brain, heart, heart (veins and arteries attached), lungs, liver, liver and thymus, spleen, large intestine" and so on. The order form also specifies the "gestational range" from 4 weeks upwards.

According to Daleiden, the nearly three-hour video was shot without Nucatola's knowledge in a California restaurant on July 25 last summer. The full, unedited video of the encounter published by the Center for Medical Progress, can be seen [here](#).

In the video Nucatola can be heard saying, "Every provider had patients who want to donate their tissue, and they absolutely want to accommodate them. They just want to do it in a way that is not perceived as 'this clinic is selling tissue, this clinic is making money off of this.'"

She talks about pricing. "You know, I would throw a number out, and I would say it's probably anywhere from \$30 to \$100 [per specimen] depending on the facility and what's involved."

In the video, Nucatola goes into great detail about ordering specific body parts and how the abortionist goes about ensuring those parts are not damaged in

the abortion. She says the abortionist uses "ultrasound guidance, so they'll know where they're putting their forceps."

And then she talks about the baby's head. "The kind of rate-limiting step is procedure is calvarium. Calvarium — the head — is basically the biggest part. Most of the other stuff can come out intact."

Nucatola says the doctor has to be "just kind of cognizant of where you put your graspers, you try to intentionally go above and below the thorax, so that, you know, we've been very good at getting heart, lung, liver, because we know that, so I'm not gonna crush that part, I'm going to basically crush below, and I'm gonna crush above, and I'm gonna see if I can get it all intact."

Nucatola explains how the position of the baby can be changed so that she can be extracted up to the head and then collapse the head so that all the other body parts can be extracted without damage.

Nucatola explains how to get around the federal ban on partial birth abortion. "The Federal [Partial Birth] Abortion Ban is a law, and laws are up to interpretation. So, if I say on day one, I do not intend to do this, what ultimately happens doesn't matter." Partial birth abortions are now a felony and punishable by up to 2 years in prison and a fine upwards of \$250,000.

Nucatola talks about how the order for parts can change the way the abortions are done. "For example, so I had 8 cases yesterday. And I knew exactly what we needed, and I kinda looked at the list and said okay, this 17-weeker has 8 lams, and this one — so I knew which were the cases that were more probably likely to yield what we needed, and I made my decisions according to that, too, so it's worth having a huddle at the beginning of the day and that's what I do."

Nucatola explains that in order to limit liability Planned Parenthood's "litigation and law department...really doesn't want us to be the middle people for this issue right now. Because, actually we were approached by StemExpress to do the same thing" but "it's too touchy an issue for us to be an official middleman."

The video ends with the investigator approaching what the video claims is Planned Parenthood President Cecile Richards at Planned Parenthood's national meeting in Washington DC last year. He identifies himself as doing "fetal tissue collection" and says, "Dr. Nucatola has been very helpful this past year." Richards says, "Okay, great. Thank you. She's amazing."

Breitbart News called Planned Parenthood several times for a comment, as well as Stem Express. Neither returned calls. Nucatola's Twitter feed was taken down this morning. And at least for a while Planned Parenthood's media phone number was "out of service."

According to the US Criminal Code, the buying or selling human body parts is a federal felony. The commercial traffic of body parts from an aborted baby is punishable by up to 10 years in prison and/or a fine of up to \$500,000.

Daleiden promises more revelations in the days to come. He is no stranger to

Planned Parenthood Official Taped Disclosing Sizes of Aborted...

<https://www.breitbart.com/politics/2015/07/14/planned-parent...>

undercover investigations of Planned Parenthood. For five years he was director of research for Live Action, the group headed by Lilin Rose that has investigated Planned Parenthood for many years.

Follow Austin Ruse on Twitter @austinruse

AbortionDocs.org
THE LARGEST COLLECTION OF DOCUMENTS ON AMERICA'S ABORTION CARTEL

ABORTION STATS 2018

Surgical Abortion Clinics = 493
Abortion Pill Clinics = 227
Abortionists = 1105
Documents = 17672

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MARY A. GATTER



OTHER INFO

Medical Director, PP Los Angeles until 2014 Now Medical Director of PP in Pasadena. No longer active in Connecticut. (10/2015)
"I want a Lamborghini" – New Video Shows Planned Parenthood Honcho Haggling over Baby Parts Price

ABORTION MILL

S. MARK TAPER FOUNDATION - PLANNED PARENTHOOD (PP LOS ANGELES)
PLANNED PARENTHOOD PASADENA AND SAN GABRIEL VALLEY

MEDICAL SCHOOL

HARVARD MEDICAL SCHOOL, 1976

PHONE NUMBER

626-790-0708 800-576-5544

ADDRESS

1045 N LAKE AVE, 406 WEST 30TH STREET
PASADENA, LOS ANGELES, CA 91104 90017
MAP NOT FOUND

PHOTOS

VIDEO

IMAGE

Surgery: Yes

Medication: Yes

DOCUMENTS

LICENSES

 **MARY GATTER CT DRUG PROFILE**
Profile for drug license in Connecticut

-  **MARY GATTER CT PROFILE**
Profile for medical health in Connecticut
-  **MARY GATTER CT CREDENTIALS**
Credentials for Connecticut
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Application for medical license in California.

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